

The magazine of the first law school in the Pacific Northwest | FALL 2011

WILLAMETTE LAWYER

A Toast to Our
Endowed Professors



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FALL 2011



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Editor's Note



Holding an endowed professorship is sort of like residing in a house with its own name. Think Monticello. Or Chequers. The neighbors brag about you; the community celebrates you; and the work you do — even if it's just weeding the lawn — feels as if it has greater value.

Last spring, thanks to the generosity of our donors, the College of Law created three new endowed professorships. Steven K. Green will hold the Fred H. Paulus professorship; Norman R. Williams will hold the Ken and Claudia Peterson professorship; and Robin Morris Collin will hold the Norma J. Paulus professorship. In addition, Jeffrey Standen has been named to the existing van Winkle Melton professorship. Professors Green, Williams, Morris Collin and Standen all are outstanding scholars and teachers who have brought nationwide recognition to the law school. Their honors are richly deserved.

As always, if you have story ideas or suggestions for how to improve *Willamette Lawyer*, please don't hesitate to contact me at 503-370-6760 or llednice@willamette.edu. I'll even take letters to the editor — darts and laurels.

Warmly,

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Dear Alumni and Friends,



Dean Peter Letsou

The 2011–12 school year is one of transition for the College of Law. For the last 11 years, this space has contained a message from an outstanding dean — Symeon Symeonides. Now that Symeon has returned to teaching and scholarship, both the deans' suite and this page have new inhabitants.

In the last issue of this magazine, Symeon and President Lee Pelton graciously introduced me to you. I am honored by the confidence and trust they have placed in me and am excited to serve. I will strive during my term as dean to sustain and strengthen Symeon's enviable legacy and position the College of Law for the future.

But a law school is not a reflection of any one person; instead, it is a team effort. And I assume the position of dean with an exceptional team already in place.

The heart of any law school is its faculty, and like all great law schools the Willamette University College of Law boasts an outstanding faculty. Their expertise is broad and deep, and their national and international reputation is growing — along with their increasing, and increasingly prestigious publications. At the same time, our faculty remains committed to the traditional values that have long been a hallmark of the College of Law: exemplary teaching, diversity and public service.

I assume the position of
dean with an exceptional
team already in place.

I also benefit from an outstanding administrative team. Some have served for many years — and in exemplary fashion. Dick Breen, who has directed our library (and served in countless other roles) for 35 years, immediately comes to mind. But there are others who have served for many years and with great distinction, including the unsung heroes of our Student Services Office, Ann Abbott and Julie Fehrenbacher.

Other members of the administrative team are new, or at least new to the deans' suite. Professor Jeffrey Standen, who joined the College of Law faculty in 1990 and is now among the nation's leading experts on sports law, has generously agreed to serve as associate dean for faculty. And Daniel Santos, who after graduating from the College of Law in 1985 spent more than two decades serving four Oregon governors, has returned to the College of Law to serve as associate dean for student affairs and administration.

Both Jeff and Danny bring a range of talents, decades of experience, and an enduring commitment to the College of Law to their new roles. It is the College of Law's good fortune that such extraordinary candidates have agreed to serve.

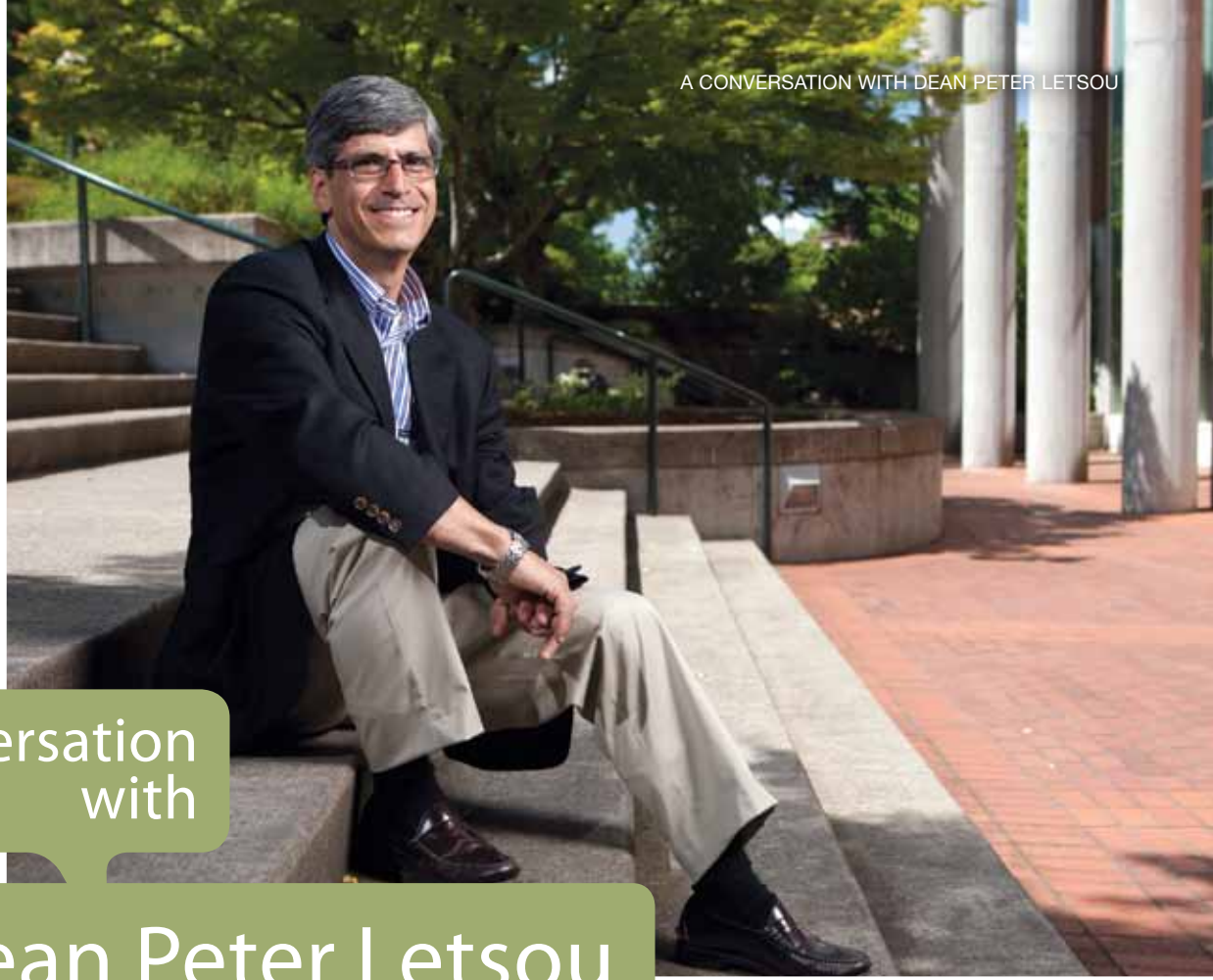
I would be remiss if I failed to note one other administrative change. On July 1, 2011, Stephen E. Thorsett, formerly the dean of Physical and Biological Sciences at the University of California, Santa Cruz, became Willamette University's 25th president. President Thorsett is a distinguished scholar and an accomplished academic administrator. His deep commitment to the highest standards of scholarship and teaching is certain to resonate at the College of Law.

In the five years that I served as associate dean, I had the great pleasure of meeting many of the College of Law's alumni and friends. I look forward to meeting many, many more in the months and years ahead.

Cordially,

Peter V. Letsou

Dean and Roderick & Carol Wendt Professor of Business Law



A Conversation with

Dean Peter Letsou

In June, Peter Letsou became the 20th dean of the College of Law. A member of the faculty since 2002, he holds the Roderick and Carol Wendt Chair in Business Law and directs the school's Certificate Program in Law and Business. He is a graduate of the University of Chicago Law School and Harvard College.

We asked Letsou to talk about the state of legal education today, whether rankings are a good way to judge law schools, and what advice he'd give to students about landing a job after graduation. Also about his life outside academia.

Q: The American Bar Association (ABA) is proposing changes to its rules and policies regarding legal education. Which ideas have merit and which ones should be dropped?

A: There's a great deal of emphasis in the proposed rules on specifying learning outcomes and assessing student performance. These new rules promise to give students better information about their legal education, and that's a good thing. But there's still not enough flexibility in the proposed rules. Instead of focusing on what all law schools should look like, the ABA should focus on developing accreditation standards that foster greater innovation in law schools and lead to the creation of a diversity of approaches to legal education, rather than a single, dominant paradigm.

Q: Are rankings a fair way to judge law schools? If not, by what other standard should law schools be measured?

A: It's not rankings that are the problem; it's having a single ranker (*U.S. News & World Report*) that's not answerable to anybody. People who apply to law schools need information to decide what type of law school would be best for them. But we've let the ranking process be captured by a single magazine without the expertise or incentive to do a good job. The ABA might help break the *U.S. News* stranglehold on rankings by making the detailed information gathered on U.S. law schools more readily available to others who might provide alternative rankings. This could limit the disproportionate and distorting power of *U.S. News*.

Q: Are there any changes you believe should be made in the area of curriculum? For instance, is distance learning a good idea? Is it time to get rid of the Socratic Method? How about adding electives on new subjects?

A: We should always be considering changes and revisions to our curriculum. Times change, the profession changes, the needs of the students change and our program of legal education must adapt to these changes. Practical skills training is getting a lot of attention in the press, and rightfully so. The devil, however, is in the details: determining how best to provide practical skills training in a law school environment. Distance education is also something to think about, but it's less important in a school like ours where the close interaction between students and faculty is so important. There's no need to get rid of the Socratic Method; one of the most important things we try to do is teach students to think like lawyers, question themselves, learn critical thinking. The Socratic Method remains among the most effective techniques for achieving this goal and needs to be a part of the law school program, especially in the first year.

Q: What would you tell a student seeking assurance that he/she will land a job after graduation?

A: The market is clearly a tight market for lawyers, but there's always a good market for good lawyers. Approach your education seriously, work hard and make yourself the best lawyer you can be.

Q: If you could choose anything besides law for a profession, what would it be?

A: I've always wanted to do something that challenges me to think about and find solutions to difficult issues. Being a professor was a natural, but if I hadn't been a law professor I probably would have pursued my undergraduate major: physics. Like law, physics involves solving complicated puzzles; you're trying to take what appears to be chaos and make sense of it.

Q: Describe a significant trip you've taken and the effect it had on you.

A: In 1968, my parents took us on a five-week family vacation across the country. We drove from Massachusetts to Utah and back, stopping for a day or two in small towns and big cities across the country. The trip gave me a tremendous appreciation for the beauty and diversity of the United States, and has led to a lifelong love for travel by car. I've traveled widely in Oregon since moving here in 2002 and have continued to travel outside of Oregon, including a 7,500 mile excursion in 2009 across the northern U.S. (and southern Canada), down the east coast as far as Washington, D.C., across the southern U.S. through Mississippi, Texas and New Mexico, and then returning to Oregon, via Utah and Nevada — all in 15 days.

Q: What are some of the most notable books you've read?

A: *Shackleton's Incredible Voyage*, by Alfred Lansing. It's an inspiring story of leadership under tremendously adverse conditions (the failed Arctic expedition of 1912). If the College of Law ever finds itself trapped on a floating slab of ice I'll know exactly what to do! Lansing's book inspired me to read many other titles related to Arctic exploration and, later, mountaineering, including several books on summiting the world's highest peaks. I also love history, especially economic history. I recently completed biographies of Vanderbilt, Rockefeller and Carnegie and am working on *The House of Morgan*.

"It's not rankings that are the problem; it's having a single ranker that's not answerable to anybody."





A bearded Peter Letsou at the Oklahoma border with two of his children, Ted and Tina

"I was an excellent ice hockey goaltender."

Q: What would people be surprised to know about you?

A: I was an excellent ice hockey goaltender through high school and was an outstanding ping pong player during my childhood. In the early 1970s I would've been Lowell city ping pong champion except for my brother George, who beat me. Despite his later career as a cardiothoracic surgeon, he showed no compassion whatsoever. And I'm a decent juggler and water skier.

Q: What would surprise people about Willamette University College of Law?

A: The depth and breadth of our relatively small faculty. We have many faculty members who are national and international leaders in their fields. It's a small faculty but an incredibly talented one. We've made great strides in informing the legal profession and academia of the work being done here; our faculty's continued efforts are sure to lead to even wider recognition in the future.

Q: If money wasn't an object, what's the next big project you'd like to see the law school take on?

A: I'd like to see us expand our faculty at all levels. With a larger faculty, we could make even greater contributions to the development and understanding of law and interact even more closely with our students.

Q: Twenty-five years from now, long after you've retired, what will be different about Willamette? What will stay the same?

A: The academic program will be different — the types of courses we'll be teaching; the way we'll be teaching. But the quality of our teaching, the seriousness with which we approach our classes, and the quality of our interactions with our students will remain hallmarks of the institution.



What's New@THE COLLEGE OF LAW



Stephen E. Thorsett, Willamette University's 25th president

Introducing Willamette's 25th President

Steve Thorsett got to know Oregon courtesy of his father, Grant, a renowned member of the Willamette faculty. "I spent a lot of time on campus," Thorsett said. It was always just a part of growing up."

Years later and in a different role, Thorsett said he's amused by what's changed and what has stayed the same.

"Sometimes it feels like Salem is exactly the same place it's always been, and then I look at it in a different way and see that it's grown," he said. "The same is true to some extent with Willamette."

Thorsett earned a liberal arts degree from Carleton College, where he studied

Zeno's paradox in philosophy. What really grabbed him, though, was mathematics and what he calls "the allure of precision."

"I became interested in general relativity and Einstein's work," Thorsett said. "I got into astrophysics basically because it offered the set of tools I needed to do the fundamental tests of physical theory that I was interested in."

Eventually, he started studying things like how fast stars spin and the potential effects of gamma rays in distant space. He's an authority in the study of gamma ray bursts, phenomena that throw out potentially destructive radiation. His research interests carried him to professorships at Princeton University and then the University of California, Santa Cruz (UCSC), where he served as chair for the astronomy and astrophysics department. He has published more than 100 articles and monographs, many in collaboration with other top scientists, and served as an active leader for two NASA telescope missions.

Not long ago, Thorsett and a team of researchers isolated a previously unknown planet, now commonly referred to as Methuselah. It's the oldest known planet in our galaxy. The team members used gravity measurements to deduce the existence of this independent body, which orbits and tugs on a pair of far-off stars. The discovery made international news when NASA announced it in 2003.

At UCSC, Thorsett eventually became dean of the university's physical and biological sciences division. That put Thorsett in charge of a unit with as many students and as complex a budget as all of Willamette. Over the last six years, he contributed to three major building projects, raised \$50 million and inspired fond allegiance among his fellow administrators and faculty.



Artist's impression of Methuselah, the oldest known planet in our galaxy. Discovered by Thorsett and his research team at UCSC. Credit: NASA and G. Bacon (STScI)

He demonstrated, as Willamette trustee and member of the presidential search committee Bob Packard BA'73 put it, three of the major "gotta-haves" for university presidents: academic, fundraising and leadership experience.

Thorsett said it's always hard for somebody in his position to balance off-campus needs with being visible and accessible. He says he'll try to meet as many people as he can in informal settings. He also says he'll lead with purpose, a clear view of the "big WU" picture — and optimism.

"I go back to Robert Noyce, a Grinnell alumnus and an early leader of Intel," he said, "who emphasized the role of optimism in enabling people to make hard choices, to travel instead of stay home. A successful leader must be able to project that optimistic sense of the institution."

— Erik Schmidt BA'05

Professor Jeffrey Standen, Daniel P. Santos JD'86 Named Associate Deans



One face is new, the other familiar: Sports law Professor Jeffrey Standen and longtime gubernatorial advisor Daniel P. Santos joined the law school's administrative team this summer. Standen will serve as associate dean for faculty; Santos will be associate dean for student affairs and administration, working closely with the Office of Career and Professional Development and the admissions office.

Standen joined the law school as a professor in 1990. A graduate of Georgetown University, the London School of Economics and the University of Virginia Law School, he served as deputy general counsel to the U.S. Sentencing Commission in Washington, D.C.

At Willamette, Standen has gained recognition as a sports law professor. He runs a nationally known blog, "The Sports Law Professor," thesportslawprofessor.blogspot.com.



Professor Jeffrey Standen

The law school's faculty was recently ranked as the top Oregon law school in per capita faculty publications in top journals. Standen said he wants that trend to continue and also wants to promote excellence in teaching. Willamette's faculty members take on multiple roles and are expected to excel at all of them, he said.

"A professor here has to be capable in the classroom, make a contribution in scholarship, and have a hand in running the place," Standen said. "Our faculty wear a lot of different hats, and they do so not only with willingness, but with a great deal of skill."

Daniel P. Santos grew up picking crops in California's Imperial and San Joaquin valleys. He didn't need to work the fields for his family to survive; his father made him do it so he'd develop a work ethic. Everything he's done since then, Santos said, "is a piece of cake compared to hoeing cotton."

Santos graduated from Southern Oregon University (where his exposure to the Oregon Shakespeare Festival blossomed into a lifelong love for the theater and, much later, membership on the festival's board) and Willamette University College of Law. A veteran of more than two decades of politics, he served as a senior policy advisor for Governor Ted Kulongoski, working on issues including tribal relations, collective bargaining, housing, workforce, education and military services.



Daniel P. Santos

In Governor John Kitzhaber's first administration, Santos served as legal counsel and education policy coordinator and worked on juvenile and adult criminal justice issues. He was legal counsel for Governor Barbara Roberts and chair of the Oregon Parole Board, and served as deputy citizens' representative and director of the Commission on Agricultural Labor for Governor Neil Goldschmidt.

Santos, who was president of the Student Bar Association while he was at Willamette, wants to improve student access to services the school offers. His contacts in state government also will be helpful to students searching for jobs and externships.

"One of the best things about law school is to come away with a set of colleagues and friends that you can go to work with," he said. "What I'd like to work on is to enhance an atmosphere where it's more comfortable and less stressful so that you can develop those relationships."



Willamette Lures Former Law School Dean to Teach Business Classes

It's a homecoming, of sorts, for Eric Chiappinelli, a former dean at Creighton University School of Law: Chiappinelli, who teaches business organizations, nonprofit entities, and mergers and

acquisitions, was once an associate dean at Seattle University School of Law. His first job in academia was as an assistant law professor at the University of Puget Sound. His son lives in Seattle, and after three years in the Midwest, Chiappinelli wanted to come back.

"One of the things I'm looking forward to is getting back to a kind of Pacific Northwest sensibility," he said. "There is a Northwest receptiveness to doing things for others."

Chiappinelli, who received his law degree from Columbia University, has published a casebook and sits on the finance and legal affairs committee of the Law School Admission Council. He thought he wanted to be a litigator after law school, but a clerkship convinced him that litigation wasn't for him. So, he decided to try business law.

"As a business lawyer, you're trying to move forward," he said. "As the economy begins to turn around, there are more opportunities to put people together to provide goods and services."

In the next decade or so, Chiappinelli predicts, for-profit and nonprofit entities will blend to provide goods and services and then plow the profits into neighborhood-based projects.

"Charities are seeing they're not going to be able to stay in business by relying just on donations," he said. "They're going to have to figure out creative ways to generate revenues."

"As the economy begins to turn around, there are more opportunities to put people together to provide goods and services."

Messenger Back Teaching Legal Writing and Research

Professor Jay Messenger teaches the law school class that separates the dreamy novelists from the efficient litigators. For the past year, he has drilled students in how to write memos and legal briefs: Get to the point; a memorandum of law isn't a mystery novel; crisp sentences are best.



In the spring, he got a thank-you card from everyone in his Legal Writing and Research class.

"Get to the point; a memorandum of law isn't a mystery novel."

"It was shocking," he said, his eyes widening at the memory. "That was the most touching thing that happened to me this year."

Messenger, who previously taught at Santa Clara University School of Law, graduated from Temple University School of Law. He received his LLM from Erasmus University Rotterdam School of Law in the Netherlands and practiced securities law.

Messenger has worked for prominent national law firms and as a senior attorney in the Department of Enforcement of National Association of Securities Dealers (now FINRA), the nation's largest private sector provider of financial regulatory services.

Messenger also directs the College of Law's academic support program. He counsels students to keep up with outlining and get a good night's sleep before the real exam. This summer he co-taught a class with Professor Susan Smith that introduced incoming students to the basics of reading and briefing cases, making closing arguments and conducting negotiations.

"I like new challenges and a new environment," Messenger said. "My goal is to build the support program here into an institution that can reach every interested student and lasts beyond my tenure."

Multiple Honors for Dean Emeritus Symeon C. Symeonides

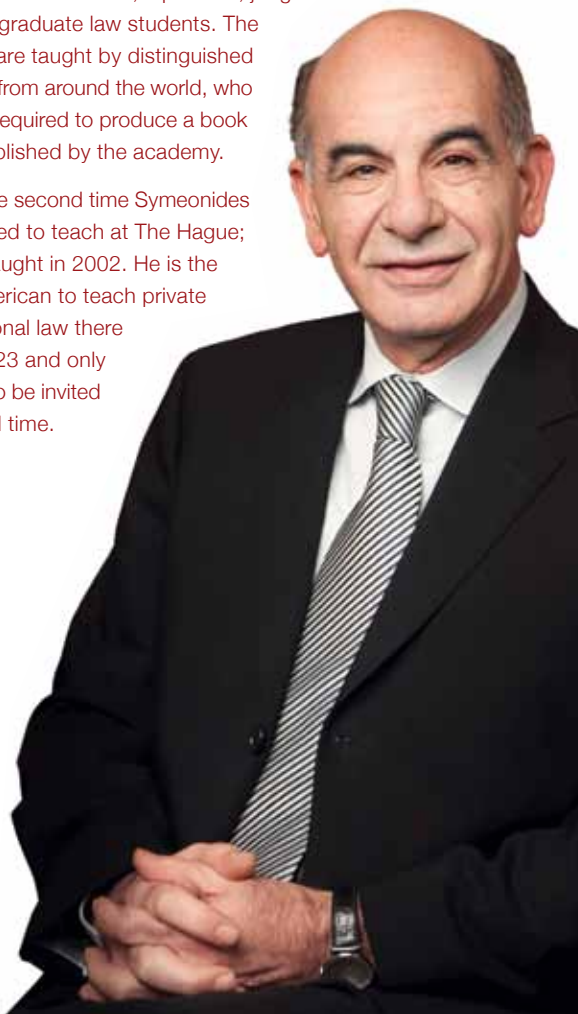
The honors keep piling up for former Dean Symeon C. Symeonides: a congress in Mexico; work at the European Union; and a course at The Hague.

The Mexican Academy of Private International and Comparative Law held its 33rd annual congress in honor of Symeonides. The "Symeonides Congress," held in October in Puebla, Mexico, was attended by professors, judges and lawyers from around Latin America.

Symeonides also will lead a committee of representatives from 27 European Union (EU) countries that will revise a law dealing with the jurisdiction and recognition of judgments in civil and commercial cases. The law is one of the oldest in the EU and the revision will have an enormous impact on companies inside and outside Europe that conduct business within the EU.

And lastly, Symeonides has been invited again to teach a course at The Hague Academy of International Law. Founded in 1923, the academy is the world's most prestigious legal organization. One of its activities is to sponsor international law courses every summer for academics, diplomats, judges and postgraduate law students. The courses are taught by distinguished scholars from around the world, who also are required to produce a book to be published by the academy.

This is the second time Symeonides was invited to teach at The Hague; he last taught in 2002. He is the 21st American to teach private international law there since 1923 and only the fifth to be invited a second time.



Vollmar, Expert on End of Life Issues, Lectures in Two States



Oregon's law providing for physician-assisted suicide, also known as "death with dignity," quietly turned 13 this year — quietly, said Professor Valerie Vollmar, because it has been in effect so long that it's not controversial anymore.

"We have 13 years of data that says there's no abuse; it's working well," she said. "Physicians are much better educated on end-of-life issues. There's a much greater use of pain medication, of hospice care. Before that, a lot of people saw family members die in a way that was inappropriate."

Vollmar, who writes and lectures extensively in the fields of estate planning, elder law and physician-assisted suicide, spoke earlier this year at a death with dignity conference in Chicago sponsored by the Chicago Bar Association/Women's Bar Association of Illinois. She analyzed the legal developments in the field and shared data from Oregon and Washington.

Later this fall, Vollmar is scheduled to speak at an estate planning seminar sponsored by the Estate Planning Council of Seattle and the Washington State Bar Association.

Vollmar said states as diverse as Arizona, Hawaii, Vermont and Wisconsin are discussing whether a physician-assisted suicide law would be appropriate. She believes that more and more states will end up passing such laws.

"It's such a core issue; it's death and dying," she said. "What death are you going to have when you know you're going to die anyway?"



Bev Ecklund Joins Office of Career and Professional Development

Bev Ecklund, a former librarian at Chemeketa Community College, is the new career services coordinator at the law school.

Ecklund will coordinate on-campus interviews. She said she'll leave career advice and interview tips to Phyllis Myles and Norma Freitas, director and assistant director of the office, and will focus on soothing the frazzled nerves of students seeking internships and jobs.

"I just love students; you never know what questions they're going to ask," Ecklund said. "When you get to this level of education, everyone is really sharp; everyone is really bright; they're really focused."

Outside work, Ecklund has a different identity: She's a roller derby player. She's angling to get drafted by the Cherry City Derby Girls, a roller derby team in Salem. She has been participating since 2009.

Why roller derby? "It looked like a good way to exercise and make new friends — and have a blast," she said.

WUPILP Auction Turns 20; Buy Tickets for the 2012 Auction (Please)

Public interest law tends to draw students more interested in making a difference than earning six figures. But law school debts need to be paid, which is where the Willamette University Public Interest Law Project comes in. The student group holds a yearly auction to raise scholarship money for students interning as public defenders, prosecutors and as lawyers for nonprofit organizations. Next year is the event's 20th anniversary.

"There really isn't any other avenue for students to get financial assistance to get these types of jobs during the summer; you either work for free or get a non-legal job that pays," said WUPILP president Tony Swartz, who will graduate in 2012. He earned a scholarship after his first year in law school and spent the summer helping prosecute juvenile cases in the office of the Marion County District Attorney.

"The most valuable thing was seeing what prosecutors did on a day-to-day basis," Swartz said. "That just reaffirmed my goal of being a prosecutor."

Nafziger Re-elected Secretary of International Law Group



Professor James Nafziger, who directs Willamette's international law programs, has been re-elected secretary of the American Society of International Law. The organization promotes international law education and scholarship through meetings and programs, and publishes the *American Journal of International Law*.

Nafziger also has served as president of the American branch of the International Law Association. He just published a handbook on international sports law and is working on several other books, including a basic course book on international law.

This year's Bid for Justice auction raised \$25,000, enough for eight summer fellowships.

Next year's auction will be held March 2 at the Mission Mill in Salem; Swartz said he'd be happy to take ticket orders in advance. He can be reached at tswartz@willamette.edu or at 425-239-2781.

Dispute Resolution Team Wows Europe

When last we left Anthony Estrada and Lauren Askeland, they had taken second place in the American Bar Association's national student negotiating competition and were hoping for an invitation to the internationals at the University of Copenhagen.

They got it, and earned the competition's "Joint Maximizing Award," which recognized the pair for working cooperatively with opposite teams.

"We were very relaxed and it gave us a chance to express ourselves and have fun," Askeland said. "Just to go, in itself, was an honor."

Like the nationals, the international competition consisted of several rounds. Participants were given variations of a scenario — in this case, one that involved a regional Mideast airline that wanted to expand into the first-class market — and were judged on their skills negotiating different issues such as a severance package and a bond restructuring. The judges also considered team members' awareness of different cultures and how that affected their tactics.

"The Danish people are very straightforward," Estrada said. "They were very result-oriented. In America we're result-oriented, but also process-oriented. You've got to be able to read the other team and really listen to what they're telling you."

Their coach, Professor Sukhsimranjit Singh, said he had no doubt Askeland and Estrada would do well. "They were flawless," he said.

"Smooth, confident, yet respectful of other countries." He said members from other teams asked to watch the pair practice so they could pick up tips. Singh himself was asked to be a judge at next year's internationals.



From left: Professor Sukhsimranjit Singh with the students he coached, Anthony Estrada and Lauren Askeland

Singh said body language plays a big role in international dispute resolution. He noted that one judge saw Askeland touch her eyeglasses a few times and thought she might be nervous. Next time, Singh said, the Willamette team will be even better prepared.

Askeland wants to be a prosecutor or a public defender; Estrada hopes to become a mediator after a few years practicing law. They've said that the secret to their success is their different approaches: He's generally more assertive and to-the-point; Askeland provides the justification for their

bargaining position. But once in a while they'll switch roles.

The showing topped a great year for Willamette's Center for Dispute Resolution. Director Richard Birke won his second writing award from the New York-based CPR Institute for Dispute Resolution, which promotes the use of alternative dispute resolution in business and public conflicts.

"It speaks to the breadth of our strengths, that we have a really terrific program on both the

practical and theoretical levels," Birke said. "We have been and still are one of the great places to learn — not only what dispute resolution is about but how to use it in a practical way."



"We have been and still are one of the great places to learn — not only what dispute resolution is about but how to use it in a practical way."

— Center for Dispute Resolution Director
Professor Richard Birke

"The whole experience was just amazing," he said. "The atmosphere was not about competing; it was enjoying different cultures, learning about negotiations and sharing what we learned."



Case File: Christopher D. Bell

A month after Christopher D. Bell JD'96 began a new job in 2005 as assistant counsel for Deschutes County, he took a case he would handle nearly from start to finish, one that ended up in the U.S. Supreme Court this year.

It was the last thing he expected to happen. In his position in Bend, Bell mainly defends the county in litigation involving labor and employment and civil rights issues. Much of his work comes through the sheriff's office, and it was

such a case, eventually called *Camreta v. Greene*, that led first to an appeal in the Ninth U.S. Circuit Court of Appeals, then to the Supreme Court.

Bell, a Portland native, represented the county in the case as it started out in federal court. A woman had sued on behalf of herself and her then-9-year-old daughter. A county sheriff's deputy and a state caseworker had pulled the girl out of class in school to interview her about whether she had been sexually abused by her father. Bell filed a motion for summary judgment, which a federal judge granted, ruling that the deputy and caseworker were entitled to qualified immunity.

The woman appealed to the Ninth Circuit, which held that the questioning involved a violation of the Fourth Amendment, although the court agreed that the two defendants were entitled to qualified immunity. At that point, Bell considered letting the case go. But the sheriff's office pressed him to keep going. The reason, Bell said, is that by the standards of jurisdictions across the country, the two defendants had been following best practices in a type of interview that is common.

The fact that the interview was conducted in a school setting was appropriate, Bell said. Building an abuse case is difficult if parents' permission has to be obtained, especially if the allegations involve one or both parents, he said.

Bell decided to petition the Supreme Court for review. He had done only five appeals in Deschutes County. He sought advice from seasoned appellate lawyers and worked closely with colleague Steven Griffin to prepare.

"I was very nervous to go to the Supreme Court," he admits. "For a lot of lawyers, that's the ultimate."

"I was very nervous to go to the Supreme Court," he admits. "For a lot of lawyers, that's the ultimate." But after devoting many hours over a period of months to that case alone, Bell wasn't the lawyer who ultimately argued the case. Instead it was Oregon Attorney General John Kroger.

The justices partially vacated the Ninth Circuit's decision, but left intact that Court's ruling that the deputy and caseworker were entitled to qualified immunity.

Bell may never get another opportunity to go to the Supreme Court, but said he's glad he chose government law and likes "the feel of working toward the public good."

— *Cliff Collins*



“Don’t assume that personal setbacks are disasters; they may serve as opportunities that will open new doors.”

— Ninth Circuit Judge
Milan D. Smith Jr.



College of Law Says Farewell to the Class of 2011

“Don’t assume that personal setbacks are disasters; they may serve as opportunities that will open new doors,” said Ninth Circuit Judge Milan D. Smith Jr. at the law school’s 125th commencement in May.

Smith, who serves on the bench for the U.S. Court of Appeals, also told the 131 graduates to “remember what people say and follow your gut.”

“It’s a tough market out there, but it may be a springboard,” he said. “Swim as fast as you can.”

Graduates were introduced by Professor David A. Friedman and Professor Emeriti

Ross R. Runkel. They were hooded by Professors Leroy J. Tornquist and Michael B. Wise.

Dean Symeon C. Symeonides recognized five members of the class of 1961 who received commemorative medals: Mark A. Bliven, Harl H. Haas, J. Ronald Hershberger, J. Gary McClain and Paul B. Osterlund.

The valedictorian was Rebecca Eschler Russell. She received the newly established valedictorian prize Aristeion Symeon Symeonides, which is accompanied by a monetary award.

Salutatorians were Amy Geerhart and Austin Tyler Highberger. Ten students graduated magna cum laude and 13 graduated cum laude. Zhiling Zhang, of East China University of Political Science and Law, received an LL.M.

“For all of you, this is a day of tremendous accomplishment, even though — I am sure — this is simply the first of many accomplishments to follow,” Symeonides said. “We know that you have sacrificed a lot for this day. Today, we honor not only your efforts and sacrifices, but also their results.”

Meet the Class of 2014

Memorable quotes:



"I'm looking forward to knowing that I am using my smarts and energy in

making the world a better place,
preserving it for the next generation."

— Columbine Quillen
former goodwill ambassador to Iceland



"I told myself after graduating that I would work in a field not related to my undergraduate major, live in

New York City,

and work abroad in a Spanish-speaking country before I turned 25. I accomplished this; however, my path to law school hasn't always been this defined."

— Marissa Babbitt
former teacher in Guatemala



"Through my experiences, I realize my passion lies in protecting the work of scientists while fostering a better understanding between

researchers and the legal community."

— Scott Rennie, Oregon State University graduate and private pilot

"I am applying to Willamette University College of Law with the intent of

submersing myself in another world
of thought."

— James Zivney, former videographer for World's Children International

"... one of the most basic and beautiful functions of our legal system [is] to bridge gaps and **create understanding."**

— Jefferson Quist, graduate English major from the University of Utah

Wide-ranging backgrounds from the entering class:

Michael Richmond-Crum, a database systems analyst, climbed Mt. Kilimanjaro.

Craig Russell was a wildland firefighter.

Crystal Maloney managed a comic book store and started a weekly free meal program in her community.

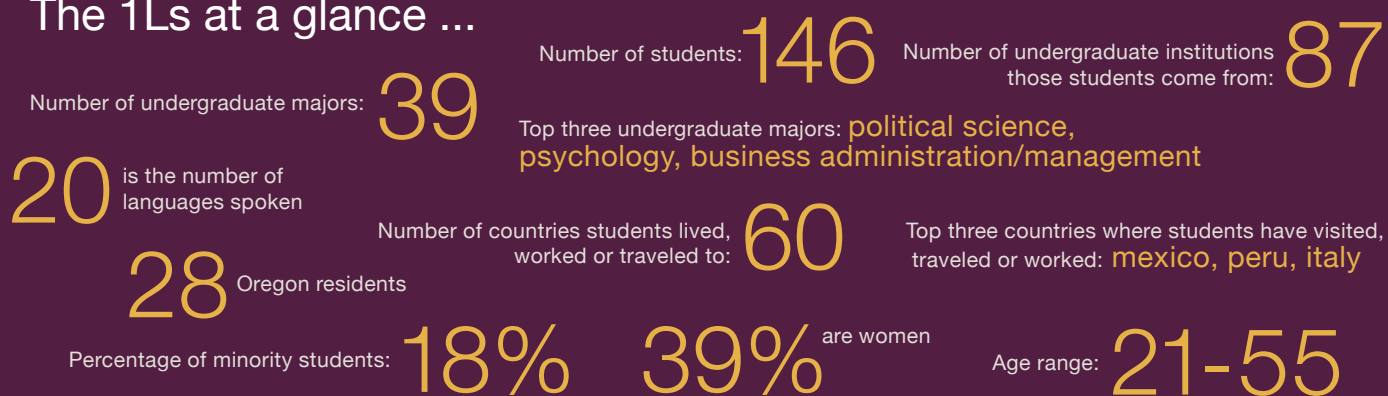
Jamie Moon, a legal intern, was an assistant on an archaeology project in Ghana.

Daniel Dineen is a dual citizen of the United States and Ireland.

Adam Hawkins speaks French and worked as a sous chef.

Class of 2014

The 1Ls at a glance ...



Class of 2014: They're Here!

Law school: It's exhilarating, stressful, depressing, uplifting, frustrating, difficult and memorable, according to the Hon. Edwin J. Peterson, who should know. During a three-day orientation at the College of Law, jurist in residence and former Oregon Supreme Court Chief Justice Peterson urged students to be compassionate as they begin one of the most rigorous chapters of their lives.

"Lawyers must be aware of and understand cultures and points of view different from their own to do a better job for their clients," Peterson said. "Learn from your classmates and they will learn from you."

The class of 2014 attended 87 different undergraduate institutions in the U.S. and abroad. They've worked in Bosnia and Fiji, toiled in the fashion industry and worked as sculptors, music directors, park rangers and veterinary technicians.

Law school is different from anything you've ever done before, Dean Peter Letsou told the class. "You may hear for the first time

in your career a professor say, 'you must try harder.'" he said.

"We want to sharpen your minds so you can be effective servants and defenders of justice."

While there were plenty of images to be summoned of late nights, tough exams and grade anxiety, Letsou and others reminded the class of the noble side of Willamette: The law school's history (oldest in the Pacific Northwest). The seriousness of purpose. The dedication to righting the world's wrongs.

Oregon Supreme Court Justice Virginia Linder JD'80: "We must practice law with decency, honor, integrity and respect."

"We must practice law with decency, honor, integrity and respect."

Willamette University President Steve Thorsett: "The practice of law is a great privilege. Use the privilege wisely and with a steady hand."

Chief Justice Peterson: "Three years from now, many of you will meet in this building to celebrate your admission to practice law. When we meet on that sunny September day, I pray that your pride in being a lawyer exceeds my own."



LEGACY BUILDER

SYMEON C. SYMEONIDES, dean of the College of Law, transformed the institution.

He raised the school's reputation, reversed the decline in bar passage and brought in \$20 million for endowments and operational support. During his 12-year tenure the school opened the Oregon Civic Justice Center and Rick's Café. He increased the number of faculty and strengthened the student profile. And he did it all while publishing 10 books, 44 law review articles and 16 shorter pieces.

Symeonides, described as "perhaps the world's leading expert on comparative conflicts law today," stepped down last spring to devote himself to writing and teaching. We decided to turn this tribute over to his colleagues and friends.

WHEN THEY (at Harvard Law School) would assign him reading for the night, he would read a case. And he would have to highlight all the words he didn't know and look them up. He said he'd get through this one case and he'd have 60 to 70 percent of it highlighted. I thought, wow, this guy is incredible.

— DAN KITTLE JD'10, ASSOCIATE, LANE POWELL

DEAN SYMEONIDES gets help from former Willamette University President M. Lee Pelton and U.S. Supreme Court Justice Ruth Bader Ginsburg at the ribbon-cutting of the Oregon Civic Justice Center in September 2008

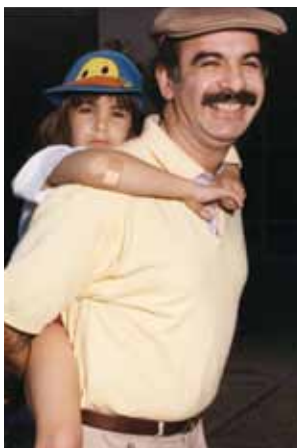


I KNEW only what I'd read: scholar, thinker, teacher, academic, super student, hard worker, Harvard, Greece, professor, Louisiana, vice chancellor. Lunchtime taught me other things: unapologetic husband, father, farmer's son, olive crop harvester, Cypriot soldier. I remember wondering if I was still in Salem.

— DAVID KENAGY, ASSOCIATE DEAN EMERITUS

I CAN'T REMEMBER how many people we interviewed, but the one that stood out for all of us was Symeon. I don't think it was even close. Symeon embodied strength of character, leadership, humility. He has far exceeded our expectations.

— ERIC LINDAUER JD'66, LIFE MEMBER, BOARD OF TRUSTEES



DEAN SYMEONIDES with his daughter, Marianna, in 1991; with his wife, Haroula; and as a soldier in the Cypriot Army in 1967



DEAN SYMEONIDES with his successor, Dean Peter Letsou



SYMEON WAS one of the main reasons I moved to Willamette. I was interested in going to a school that was on the move, a school that was considering new ideas and directions and had an energetic leader who was going to take the school to a higher level. Immediately on meeting Symeon it was apparent we were not just going to improve on what had been done in the past. We were going to innovate. That kind of environment excited me.

— PETER LETSOU, DEAN, WILLAMETTE UNIVERSITY COLLEGE OF LAW AND WENDT CHAIR IN BUSINESS LAW



SYMEON IS so productive and so prolific with his scholarship that I doubt many people would know by meeting him for the first time just how much fun he is and what a fantastic contribution he is to a dinner party. He's really a very funny guy.

— SUSAN HAMMER JD'76, SENIOR FELLOW, CENTER FOR DISPUTE RESOLUTION; LIFE MEMBER, BOARD OF TRUSTEES



I'M REALLY glad we got this guy for dean. In fact, I wish I could take credit for it. But of course I can't. I didn't have anything to do with bringing him on board. But I'd love to be able to be the person to say, "Yeah! This was my hire!"

— KEITH LOVETT BA'65, JD'68, MEMBER, BOARD OF VISITORS

Honor to those who in the life they lead
define and guard a Thermopylae.
Never betraying what is right
consistent and just in all they do
but also showing pity and compassion;
generous when they're rich, and when they're poor
still generous in small ways ...

OPENING LINES to the poem, Thermopylae — a favorite of Symeon's — by Constantine Cavafy, that hung on his office wall at the law school



WE ENJOYED many glorious moments. We have consoled each other when the days seemed long and hard and not always favorable to us. He's a kind and generous man and I'm going to miss him very much.

— M. LEE PELTON, PRESIDENT, EMERSON UNIVERSITY, AND FORMER PRESIDENT, WILLAMETTE UNIVERSITY



DURING SYMEON'S tenure as dean I've had the pleasure of hiring several Willamette students as law clerks. They are incredibly intelligent and sharp academically; they've had a very fine education; they come to the Supreme Court ready to make a contribution to the work of the court. I think Symeon played a very large role in attracting the kind of students who are ready to come to the Supreme Court.

— PAUL J. DE MUNIZ JD'75, CHIEF JUSTICE, OREGON SUPREME COURT; MEMBER, BOARD OF TRUSTEES



SYMEON HAS an attitude about excellence and commitment and hard work that permeates the law school. If you are around Symeon, you capture his enthusiasm and passion for teaching and having law students who will perform well in the community. There's no question Willamette's a great place to be.

— HENRY HEWITT JD'69, PARTNER, STOEL RIVES; LIFE MEMBER, BOARD OF TRUSTEES

DEAN SYMEONIDES poses with former 9th U.S. Circuit Court of Appeals Judge Otto R. Skopil Jr., BA'41, JD'46, H'83 (left); and Skopil's close friend and former law partner Bruce Williams BA'40, JD'48



HE HAS an innate curiosity about people. You would take Symeon to meet attorney alums, judge alums, and it was never about him. It really was about his curiosity about them.

— MICHAEL BENNETT BA'70, DIRECTOR OF DEVELOPMENT AND ALUMNI RELATIONS, WILLAMETTE UNIVERSITY COLLEGE OF LAW



A Toast to our endowed professors

Last spring, four members of the faculty received one of the highest honors in academia – appointment to endowed professorships.

Steven K. Green, who directs the Center for Religion, Law and Democracy, was named the Fred H. Paulus Professor of Law. Norman R. Williams, who directs the Center for Constitutional Government, is the Ken and Claudia Peterson Professor of Law. Robin Morris Collin, who directs the Certificate Program in Sustainability Law, is the Norma J. Paulus Professor of Law. And Jeffrey Standen, the new associate dean for faculty, has been named the van Winkle Melton Professor of Law.

This designation recognizes the distinguished careers all have had in academia and anticipates the continued renown they will bring to the College of Law.

Photography taken at Willamette Valley Vineyards

A portrait of Norman Williams, a man with dark hair, wearing a dark suit, white shirt, and a patterned tie. He is smiling and standing in front of a blurred background of green foliage.

Norman Williams

Ken and Claudia Peterson Professorship

Norman Williams knew in high school that he wanted to be a lawyer. He wrote his undergraduate thesis at Harvard on the Ninth Amendment, attended NYU Law School and clerked on the U.S. Court of Appeals. He worked in the U.S. Supreme Court and appellate practice group of a law firm in Manhattan, then decided to pursue his interest in constitutional law full-time. So, he became an academic and joined the Willamette law faculty in 2001.

Williams teaches the kinds of classes that make students want to go to law school — administrative law and constitutional law.

“The scope of government power has long interested me,” he said. “At the heart of it is really the question of, ‘what can the government do?’”

Williams has advised Oregon legislators on redistricting, a subject that fascinates him because, “It’s really all about power. Who the legislators are will determine policy.” But being close to the political process also frustrates him when he thinks

about the state’s larger problems — a struggling economy, the headaches surrounding the financing of public education — and the effect on his children’s future.

“Our leaders do a very poor job of explaining to people the difficult choices and trade-offs they have to make,” Williams said. “There is no silver bullet.”

The First and Fourth Amendments get the lion’s share of attention from politicians, the public and the media. Ken Peterson JD’80 believes the Ninth and Tenth Amendments, which acknowledge individual rights and protect state sovereignty, emphasize the respect for liberty the Founding Fathers were considering at the time the U.S. was created.

“These are often the forgotten or ignored amendments,” said Peterson, CEO of Columbia Ventures Corporation. “They are extremely critical for the logic of our government and are necessary for its smooth functioning.”



Peterson, a graduate of the College of William & Mary, wrote his honors thesis on the importance of liberty. He and his wife, Claudia, established the Peterson Family Foundation, which endowed the Center for Law and Government — recently renamed the Center for Constitutional Government — based in the Oregon Civic Justice Center. This

spring they created the endowed professorship held by Norman Williams.

“Willamette is a great academic institution that draws its students from a far larger universe than just Oregon,” Peterson said. “It was an important part of my education. This is a way of doing something that has a long time scale with beneficial results far into the future.”

A Toast to our endowed professors



Steven K. Green

Fred H. Paulus Professorship

Professor Steven K. Green writes and teaches about one of the most thought-provoking issues today: The intersection of law and religion. It's a subject that will never grow stale because Americans will never stop arguing about it.

"I have the privilege of teaching some great subjects that, I think, naturally engage students," Green said. "With all due respect to my colleagues, there's nothing more interesting than the First Amendment."

Green is finishing his third book, *The Bible, the school, and the Constitution: The Clash that Shaped Modern Church-State Doctrine*. He was formerly legal director and special counsel for

Americans United for Separation of Church and State, a Washington, D.C. public interest organization concentrating on First Amendment issues. U.S. Supreme Court justices have cited his writings. Green also helped draft federal and state laws affecting religious liberty interests, including the Religious Freedom Restoration Act, the Religious Land-Use and Institutionalized Persons Protection Act and the Oregon Workplace Religious Freedom Act.

One of the accomplishments he's most proud of is his work on the Oregon Workplace Religious Freedom Act, passed in 2009, which gave public school teachers the right to wear religious garb in their classrooms. The law drew attention as far away as Budapest.

"I am a very, very strong separationist, but enhancing religious freedom is a form of freedom," Green said. "It doesn't behoove us well internationally if we show people we're promoting religious hegemony."

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Fred H. Paulus, LLB'26, was a veteran of World War I and served as deputy state treasurer for 33 years. He was renowned for helping Oregon avert bankruptcy

during the Great Depression. In 1935, he rescued \$3 million in bonds from the burning Oregon State Capitol and later secured financing for the construction of the new State Capitol and the reforestation of the Tillamook Burn in the 1940s.

Norma Paulus, who married Fred Paulus' nephew, Bill, described Fred Paulus as tall,

soft-spoken and extremely frugal. To avoid paying for parking, he'd deposit his car by the river and walk to work. He removed his telephone after the State Capitol burned "because he said all he got was bad news," Norma Paulus said. When lawmakers or anyone else needed to contact him they left notes on the front door of his house—the one his mother had lived in.

Paulus played a powerful role in Norma Paulus' political career. As a state legislator she became known for her expertise in constitutional law — due to Fred Paulus' tutoring. If he read about some legislative foolishness in the newspaper, he'd call her up and say tersely, "Fred here. Get your pencil." She always did.

Norma J. Paulus Professorship

Sustainability is such a bandied-about term that it's hard to remember that the idea of designing environmental and natural resources law to protect local and global resources was once a radical concept. One of the pioneers in the field is Robin Morris Collin, the first law professor to teach sustainability at an American law school.

Morris Collin has won a slew of awards for teaching and service, including one from Al Gore and another from the Oregon State Bar. Last year she attended the first-ever White House Environmental Justice Forum. This year she'll deliver lectures at Arizona State University, where she graduated from law school, and at a symposium sponsored by the American Planning Association.

Along the way, Morris Collin confronted plenty of skeptics who doubted sustainability law belonged in a law school curriculum. She had to design her own textbook and materials. "If you have a constituency that understands what you're saying and appreciates the ways you are different, that makes up for a lot of difficulties," she said. "The fact that I had strong student support really helped me survive."

Morris Collin said she's delighted to receive the endowed professorship. "Norma Paulus has got quite the reputation for being smart, clear-minded and tough on occasion, and I like to think I share some of those qualities."



Robin Morris Collin

She's a legend in Oregon politics:

member of the Oregon House of Representatives; first woman to be elected Oregon secretary of state (the first woman, in fact, to be elected to any statewide office); two-term superintendent of public instruction; executive director of the Oregon Historical Society.

It all started when Norma Paulus LLB'62, H'99, was working as a legal secretary at the Oregon Supreme Court. Two of the justices suggested she go to law school even though she hadn't graduated college. One of them wrote to Dean Seward Reese at Willamette University College of Law, telling him it would be a great help if Paulus could take a class or two. She was thrilled,

even though it meant she had to fit the classes in during her lunch breaks. The most exciting night of her life, she said, was when her

husband, Bill, took her out to dinner and told her he'd borrowed enough money for her to quit her job and go to law school full-time.



"If the law school hadn't taken a chance on me, where would I be?" Paulus said, explaining her decision to endow a professorship at

Willamette. "You can't imagine the impact that law degree had. It was the stamp of credibility."

van Winkle Melton Professorship



Jeffrey Standen

Associate Dean Jeffrey Standen calls sports “one of the last frontiers of human behavior.” There are rules, but not too many. When two people agree to a contest, it’s basically unfettered competition. That’s why he loves sports so much.

“It’s an unregulated sphere of life. There are not many things left like that today,” he said. “Sports law creates a wonderful little laboratory to test out rules.”

Standen blogs as The Sports Law Professor and is a sought-out expert nationally on issues of sports and gaming law. Both are growing areas of law practice because of new products, such as internet gambling. For instance, lawyers are still sorting out where exactly a bet takes place when a gambler lives in one state, a website is registered in another state and the site’s servers are located in a different country.

“That’s how lawyers make their money — resolving ambiguity for their clients,” Standen said. “It’s a remarkably unsettled area of practice, and that creates opportunities.”



The Isaac van Winkle Melton professorship was established in 2000 as the result of a series of estate gifts received from Isaac van Winkle’s daughter and son-in-law, the late Edward R. and Rosalind van Winkle Melton BA’31. Isaac van Winkle BA 1898, LLB 1901, was a prominent Salem attorney and dean of the College of Law from 1913–27. He served as Oregon’s attorney general from 1920–43.

If he wasn’t a law professor, Standen said, he would have taught history at a school in New England, where he grew up, and coached sports on the side. His favorite sport to observe is hockey, but he’ll even watch figure skating as long as it’s competitive.

“What’s boring is running,” he said. “I’ll play basketball until my feet are bleeding, but running for its own sake? That’s torture.”

A Toast
to our endowed professors



Other endowed chairs and professorships

The Alex L. Parks Distinguished Chair for the College of Law

This chair was established at the College of Law by Penelope “Penny” Parks Knight and her husband, Philip H. Knight, in 2008 with a gift of \$5 million in honor of Penny Knight’s father, the late Alex L. Parks LLB’49. A successful legal practitioner and former Willamette law professor, Parks was a scholar of maritime law and the author of the highly respected law text *Tug and Tow*. He taught at the law school from 1980 until his death in 1988. The initial and current holder of this chair is Dean Emeritus Symeon C. Symeonides.

The Thomas B. Stoel Chair for the College of Law

This chair was established in 1991 as the result of contributions from numerous friends and colleagues who wished to honor Tom Stoel. Stoel and his wife, Caroline, both graduated with law degrees from Duke University where they competed with their classmate, Richard Nixon, for top grades. Stoel

practiced law in Portland at Stoel Rives, LLP for more than six decades, as an associate (1937–42), partner (1945–85), and of-counsel from 1985 until his death in 2008. During his career he served as a trustee and/or director of most of the leading Oregon nonprofit organizations supporting education, the arts and health care. He served on the Willamette University board of trustees from 1967–99, and was chair of the board from 1982–87. Professor James A.R. Nafziger is the current holder of this chair.

The Roderick and Carol Wendt Chair in Business Law

The Roderick and Carol Wendt Chair in Business Law was established in 2003 with a \$2.5 million gift from Rod Wendt JD’80 and his wife, Carol. Wendt is the CEO of JELD-WEN Corp., one of the largest manufacturers and distributors of doors, windows and millwork in the world. Wendt has been involved as a board member in many local, state and regional nonprofit organizations including the

High Desert Museum, the Oregon Independent College Foundation and the Nature Conservancy, and serves as a trustee of Willamette University. The holder of this chair is the director of the law school’s Certificate Program in Law and Business and is the overseer of the joint JD/MBA program with Willamette’s Atkinson Graduate School of Management. The initial and current holder of the Wendt Chair is Dean Peter Letsou.

The Maynard and Bertha Wilson Professor of Law

The Maynard and Bertha Wilson Professorship was established in 2000 as the result of a \$615,000 estate gift received from Maynard Wilson LLB’40 and his wife, Bertha. The Wilsons lived and worked in Cottage Grove, Ore. from 1946 until Maynard’s death in 1994. He owned Grove Escrow Co. for many years and worked as a sole practitioner following the sale of his company. Bertha Wilson was an avid gardener and painter. Professor David S. Clark currently holds this professorship.

Salute

From Coroner to Courtroom

God only knows what she might have walked through at work that night, so Julie Wilson always slipped off her shoes at the front door.

Until this summer, first-year law student Wilson made her living as a Washington County deputy medical examiner. It's a career the 38-year-old began in Los Angeles, where she worked cases for one of the nation's busiest county coroner's offices.

You better believe the job could get messy.



The first case Wilson investigated was a gang-related drive-by shooting. Her last investigation this July was of a "final exit suicide," so-called because the decedent followed the method laid out in Hemlock Society founder Derek Humphry's "Final Exit." In her 12 years as a coroner, Wilson investigated thousands of deaths.

It's a grueling job, but one with a certain cachet given the slew of CSI knockoffs that hit the air right about the time Wilson began

her career. Wilson herself was once the focus of an hour-long documentary that aired briefly on the Discovery Channel.

"Death, wholesale. That's what she saw," said Mary Wallace, the field director who followed her four days a week, 24 hours a day during filming of "'C.I.: Coroner Investigator.'" She never flinched.

The Ohio minister's daughter dreamed of law school, but as a single mom with a young daughter to support, Wilson needed a paying job, and quick. And, just as she'd hoped, death investigation provided intellectual stimulation and a middle-class lifestyle.

So why law school?

"I've had enough of this life," Wilson said during a recent interview.

Her daughter Felicia, who was born when Wilson was 19, is now 18. She's headed to Oregon State University this fall to study marine biology.

Wilson actually started Willamette last fall on a modified full-time schedule while continuing to work as a medical examiner. She quickly wore down, and with the encouragement of Edward Harri, assistant dean for student affairs, Wilson put her studies on hold last spring.

"Willamette has won my loyalty as a student," Wilson said. "It's a special school, and they have special people who work there."

"Willamette has won my loyalty as a student. It's a special school, and they have special people who work there."

This fall, her coroner days behind her and her daughter away from home, Wilson returned to class full time. She's not sure yet what type of law she'll pursue.

"Older students in general, myself included, add a more seasoned perspective," Wilson said. "We see those nuances. My experience as a single mother for 18 years, as a professional death investigator, has allowed me to travel to emotional places that others haven't."

— Paige Parker

Asia in His Heart

By the time Travis Harris enrolled in Willamette's summer abroad program in China, the joint degree student had had plenty of exposure to Asian culture. At 13, he started learning Kung Fu. At 16, he traveled to Beijing. At 19, having taken intensive Chinese classes, he was posted to Taiwan as a missionary for the Mormon Church. He graduated from Brigham Young University with a major in Chinese linguistics.

A job at a Utah law firm translating documents from Chinese into English and building a Chinese language database sparked his interest in the law. Willamette's study abroad options — and the combined JD/MBA program through the Atkinson Graduate School of Management — made the school an ideal fit.

"I really want to utilize my Chinese," Harris said. "To have a law degree, an MBA and a degree in Chinese linguistics would be a very fearsome threesome."

In addition to Willamette's summer abroad program, Harris also did an externship at a Chinese law firm. The lawyers made good use of

"The degrees I earn will open doors to the jobs I'm looking for, but the job experiences will set me apart from other applicants."

his language skills. "It was one of the best jobs I ever had," he said. "I wasn't a paper pusher. They really put me to work."

Harris spent most of his time helping sort out claims arising from a Fortune 100 company that decided to shutter its stores in China. The electronics retailer was a client of the firm, and Harris played a key role in working out settlements between vendors and the company.

"He's outstanding," said Steve Fieldman, a senior consultant at the firm. "His Chinese skills are excellent. If someone is on the phone with him, they don't know he's foreign."

Between the lectures he attended for school and his duties at the firm, Harris feels he has a firm grounding in international law and business.

"You can make a lot of money if you do business in China because the labor is so cheap and resources are so cheap," he said. "But there are headaches because the law is not on your side and the culture is not developed enough to afford you the same security you'd have doing business in America."



Harris learned plenty about living and practicing law in China. The Chinese government doesn't allow non-Chinese lawyers to take the bar exam. The smog in Shanghai is so dense that sometimes he couldn't see more than 100 yards in front of him. He got used to strangers constantly taking his picture with their cell phones.

"People (in China) are super friendly and the language is super intriguing," he said. "What got me into the language was the characters; it uses the right side of the brain."

Harris, who is married and has two children under the age of 5, hopes to live in China full-time someday or work for a firm with deep connections to the country.

"The degrees I earn will open doors to the jobs I'm looking for," he said, "but the job experiences will set me apart from other applicants."

Life and Law in Balance

Few legal jobs are more stressful than investigating teachers accused of shattering their students' trust. Both versions of events are often murky, with students unwilling to press charges, teachers unwilling to cooperate and school district officials at a loss about what to do.

But George T. Finch's work at the Oregon Teacher Standards and Practices Commission never seems to ruffle him. Finch, JD'06, is a Buddhist priest. He wears an amethyst bracelet of prayer beads on his left wrist and offers tai chi classes and meditation seminars for his colleagues.



"I'm not perfect," Finch said. "I've been stressed out, but I've never yelled at anybody at work. You build a foundation and you go back to that foundation, that island of sanity."

Finch, an only child who was raised in Detroit and attended Catholic schools, began his formal study of Buddhism in 1999. At Michigan State, he majored in international relations and East Asian languages and became fluent in Mandarin. He taught English in China, worked in international shipping and then in international sales for a high-tech firm. As his studies in Buddhism intensified, he began looking for more control over his time. Law school appealed to him, and he applied to Willamette because of the law school's study abroad program in China.

Finch credits Buddhism, which emphasizes balance in life, with helping him get through law school. "In law school, you have to assimilate a huge amount of information in a short time," he said. "Buddhism teaches you to be honest with yourself; it teaches you to be a better student."

After graduation Finch ended up at the Oregon Teacher Standards and Practices Commission (TSPC) because he'd had an internship there and the agency wanted a tech-savvy law student to build a database. His job now involves interviewing witnesses, collecting documents and working closely with lawyers at the state Attorney General's office, who end up prosecuting the cases.

"There's a sense of peace and serenity that surrounds George ... The serenity ... is what distinguishes him from most human beings."

Finch said he has a difficult time emotionally when teachers harm very young children but added that he doesn't see all teachers as potential suspects. "That would be horrible," he said. "Not everyone who gets arrested is a criminal." About 15 percent of the cases the agency gets result in a conviction — either the case isn't prosecuted properly or the parents won't let their kids testify.

Aruna Masih, an attorney who represents teachers accused of wrongdoing, said Finch is a consummate professional even in the most delicate of situations. When teachers really need to know how an investigation is progressing, he's efficient and prompt, she said.

"There's a sense of peace and serenity that surrounds George, which is very interesting because the agency has a huge caseload and can be somewhat chaotic," she said. "The serenity is, to me, what distinguishes him from most human beings. It's the entire way of being he has that he imparts to everyone who comes into contact with him. Despite the fact we may have differences, it doesn't change the basic respect I have for him."

“Angel of Adoption” Retires

His snowy beard, hearty frame and twinkling smile make King County Court Commissioner Eric Watness JD’77 look more than a little like Santa Claus. That’s why it’s so entertaining to watch him conclude an adoption in a grimy Seattle courtroom.



When the boy being adopted asks during a photo shoot if he can hold his fingers in bunny ears behind Watness’ head, Watness cheerfully obliges. After the hearing, he exclaims, “This is just awesome! It is totally the best part of the job. I can’t imagine anything more fun.”

Watness was a commissioner — otherwise known as a judge — for 16 years before retiring in June. He co-wrote an

“His personality, dedication and legal knowledge made him an excellent jurist.”

adoption practices and policy manual for King County and is a member of a statewide judges’ committee that advocates for all

aspects of child welfare. Last year he received an “angel in adoption” award from the Congressional Coalition on Adoption Institute. U.S. Representative Jay Inslee JD’76 nominated him.

This fall he’ll return to work as a part-time mediator. He also plans to spend more time with his grandkids and pursue his hobbies of tractor maintenance and repair, Norwegian Fjord horse cart and wagon driving and Western swing fiddling.

“Nobody was happy that Eric retired, and you can’t say that about everyone on the bench,” said Albert Lirhus, an adoption attorney who often appeared before Watness. “His personality, dedication and legal knowledge made him an excellent jurist.”

Watness has seen adoption from both sides of the aisle. Directly out of law school he worked as an assistant attorney general representing the Washington State Department of Social and Health Services. He then opened his own practice representing private adoption agencies.

Watness and his wife, Carolanne, even tried to adopt a child themselves years ago. That was during law school, when his wife’s job as a schoolteacher was their sole source of income. The agency turned them down. They later had two daughters and briefly became foster parents to a child with special needs who had come to Carolanne’s school in Burien, Wash.

Not every adoption goes smoothly. One story that still saddens Watness was the time a friend of his had been approved to adopt after the mother’s rights were terminated. The father later came forward to claim the child.

“The adoptive parents brought the baby to my office on a Saturday and went home crying,” Watness said. “To watch my friends in despair was horrendous.”

He’s presided over cases where adoptions didn’t work because the parents couldn’t handle emotionally disturbed kids and where a single woman, longing to be a foster parent, adopted a son even after he had been prosecuted for sexually abusing a youth in a group home. At the hearing, Watness told the youth that everyone has a right to a parent.

“She cried, he cried; it was the most unusual adoption I’ve ever done,” he said. “At least he’ll have a mom waiting for him when he gets out.”

Class Action



Mark Prater JD'84 of Washington, D.C., was chosen as staff director for the federal budget "supercommittee" charged with suggesting \$1.2 trillion in deficit cuts.

Prater, the chief tax counsel for Republicans on the Senate Finance Committee, was chosen by the supercommittee's co-chairs, Sen. Patty Murray, D-Wash., and Rep. Jeb Hensarling, R-Texas. In a joint statement, the co-chairs said Prater has "a well-earned reputation for being a workhorse who members of both parties have relied on. We look forward to working with him and are confident that his approach and expertise will be valuable as we weigh the difficult but necessary choices ahead."

Prater began his Beltway career working for the finance committee under U.S. Sen. Bob Packwood BA'54, R-Ore. He played a key role in shepherding President George W. Bush's tax cuts through the Senate Finance Committee in 2001. He has worked for Republican committee chairs ever since.

"Mark is a superb choice," said U.S. Sen. Ron Wyden, D-Ore. "He has a proven record of working for bipartisan solutions and his expertise on tax issues is unsurpassed among Congressional staff. Mark's selection is an encouraging signal that the committee is serious about finding common ground and will consider tax reform as a component of its deficit reduction package."

To read a profile of Mark Prater in the *Willamette Lawyer*, go to: willamette.edu/wucl/people/profiles/2005/09/the_senates_tax_man.php.

the 1970s



Philip F. Schuster II
JD'72 of Milwaukie, Ore., announced the publica-

tion of his second book, *Sun-Painted Man*, an historical novel that tells the story of Schuster's great uncle. Adopted into the Blackfeet tribe, Schuster's uncle worked tirelessly to achieve justice for a young Blackfeet man falsely accused and imprisoned for the crime of rape in 1921. Visit sunpaintedman.com for more information.



Richard A. Christopher
JD'73 of La Grange, Ill., received the Vance Award

at the January 2011 annual meeting of the National Academy of Transportation Research Board held in Washington, D.C. The Vance Award recognizes significant contributions to the field of transportation law. Christopher was honored for writing and editing *The Natural Lawyer*, a quarterly summary of developments in the field of environmental and transportation law, since 1992. He is a senior regulatory specialist for HDR Engineering in Chicago and is of counsel for the Illinois Department of Transportation.

the 1960s

Ronald G. Stephenson JD'67

of Portland, Ore., has been named to the list of Oregon Super Lawyers for 2011. *Super Lawyers* is an annual publication produced by *Law & Politics* magazine that identifies the top 5 percent of attorneys, as chosen by the attorneys' peers and the magazine's researchers. Stephenson is senior counsel at the firm of Bullivant Houser Bailey PC, where his practice focuses on defense of litigation involving drugs, medical devices, product and professional liability, and nursing homes.



Edward J. Sullivan
JD'69 of Portland, Ore., has been named

to the list of Oregon *Super Lawyers* for 2011. Sullivan is an owner at Garvey Schubert Barer in Portland, where he concentrates his legal practice in matters involving planning, administrative and municipal law. He also is city attorney for Oregon City, Island City and Rivergrove and acts as special counsel for other local governments.

U.S. News & World Report has named the Salem, Ore., law firm of Swanson, Lathen, Alexander, McCann & Prestwich PC

one of its "Best Law Firms" of 2010. The firm's partners are **D. Keith Swanson JD'69**, **Neil F. Lathen JD'74**, **J. Michael Alexander JD'75**, **Donald W. McCann JD'75**, **Travis S. Prestwich JD'00** and **Brian N. Lathen JD'04**. The firm specializes in litigation involving personal injuries, wrongful deaths, automobile accidents, product liability issues and family law issues. The firm has also moved its offices to 3040 Commercial Street SE, Suite 200, Salem, Ore., 97302 after more than five decades in its former location in the Capitol Tower in downtown Salem. The firm's phone number and web address remain the same.



Susan M. Hammer JD'76 of Portland, Ore., recently received

the first Susan Hammer Award for Transformational Leadership from Planned Parenthood Columbia Willamette. She served as chair of the organization's board during a time when the organization grew from five to nine health care centers, and chaired its "Let's Build" capital campaign, which raised \$12.5 million for a new service center in Portland.



Elizabeth S. Harchenko BS'72, JD'76 of Salem, Ore., has retired from

Oregon state government after 36 years of service. She served as director of the Oregon Department of Revenue for the past 14 years. She also has worked for the Oregon Legislature, the Oregon Tax Court and the Oregon Department of Justice. Harchenko is looking forward to traveling and relaxing for a while, and then will decide what the next phase of life is calling her to do.



Albert A. Menashe JD'76 of Portland, Ore., was honored in

March by the *Daily Journal of Commerce* as one of 15 Oregon attorneys who received the publication's 2011 Leadership in Law recognition. The Leadership in Law honor was developed to pay tribute to long-standing members of the legal community in Oregon. Menashe

is a shareholder of the family law firm Gevurtz Menashe.

Kimball H. Ferris JD'78 of Portland, Ore., has joined the Portland office of Miller Nash LLP as a partner. Ferris brings more than 30 years of Oregon law experience to the firm's business practice group. He previously was a shareholder at Bullivant Houser Bailey PC.

James P. Swanger JD'79 of Vancouver, Wash., was appointed by Washington Gov. Chris Gregoire to represent the state's judiciary on the Washington Traffic Safety Commission. He also was elected by the Washington Administrative Office of the Courts to serve on the faculty of the Washington State Judicial College, teaching a class on domestic violence. Swanger is a district court judge in Clark County, Wash.

the 1980s

Ronald J. Knox JD'81 of Bellevue, Wash., has been named to the list of Washington *Super Lawyers* for 2011. Knox is an owner in the Seattle office of Garvey Schubert Barer.



Michael W. Shackelford BS'78, JD'81 of Portland, Ore., has been re-elected

as Ater Wynne's managing partner, a position he has held since 2001. Shackelford's law practice focuses on corporate counseling and business transactions, including mergers, acquisitions, divestitures, and venture capital financings.

Timothy R. Volpert JD'81 of Portland, Ore., has been

elected to the board of directors of the Multnomah Bar Foundation. A partner at Davis Wright Tremaine LLP, Volpert specializes in complex litigation and appellate law. He serves as a volunteer coach to Grant High School's "We the People" Constitution Team, and is former chair and member of the Classroom Law Project board of directors.

Barbara A. Jacobson JD'82 of Tigard, Ore., has joined the city of Wilsonville as assistant city attorney. Prior to joining the city, she was a partner at K&L Gates and senior assistant general counsel for the Port of Portland.

Leslie Nori Kay JD'82 of Portland, Ore., has been elected to the board of directors of the Multnomah Bar Foundation. She is the regional director for the Multnomah County Office of Legal Aid Services of Oregon and served as president of the Multnomah Bar Association for 2009–10.

Eric A. Lindenauer JD'83 of Portland, Ore., has been named to the list of Oregon *Super Lawyers* for 2011. Lindenauer is an owner at Garvey Schubert Barer in Portland, where his practice focuses on litigation, principally in the areas of health care, employment and insurance.

Martha O'Donnell Pagel JD'83 of Salem, Ore., was honored in March by the *Daily Journal of Commerce* as one of 15 Oregon attorneys who received the publication's 2011 Leadership in Law recognition. Pagel is a recognized regional leader in water and natural resources law, and was the director of two state agencies

— the Oregon Water Resources Department and the Oregon Department of State Lands — before joining Schwabe Williamson and Wyatt in 2000.

Larry J. Brant JD'84 of Lake Oswego, Ore., has been named to the list of Oregon *Super Lawyers* for 2011. Brant is an owner at the firm of Garvey Schubert Barer, where he chairs the firm's tax and benefits practice group and co-chairs the firm's business practice group.

Loren D. Podwill JD'84 of Hillsboro, Ore., has been named to the list of Oregon *Super Lawyers* for 2011. Podwill is a shareholder and serves on the board of directors at the firm of Bullivant Houser Bailey, where he heads the firm's fidelity and surety practice groups. He also represents clients in commercial and intellectual property litigation.

James F. Hensel JD'85 of Lake Oswego, Ore., has been appointed chief executive officer of Pac-West Telecomm Inc., a leading provider of advanced telecommunications services. He has served on the company's board for many years, and also previously served as senior vice president of Columbia Ventures Corporation, Pac-West's parent company.

Concetta F. Schwesinger JD/MBA'88 of Lake Oswego, Ore., was honored in March by the *Daily Journal of Commerce* as one of 15 Oregon attorneys who received the publication's 2011 Leadership in Law recognition. She is the child support liaison for the Oregon District Attorneys Association.



Troy D. Greenfield JD/C'89 of Bainbridge Island, Wash.,

has been named to the list of Washington *Super Lawyers* for 2011. Greenfield is shareholder-in-charge of the Seattle office of Bullivant Houser Bailey PC.



Leonardo M. Rapadas JD'89 of Dededeo, Guam, was elected attorney general of Guam. He began his four-year term in January 2011. Rapadas previously served as the U.S. attorney for Guam and the Northern Mariana Islands. He also has served as assistant attorney general and chief prosecutor in the Office of the Attorney General in Guam.

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the 1990s

Lisa A. Amato JD'91 of Portland, Ore., has been named partner in Wyse Kadish. She joined the firm in 2009 as of counsel. She continues her practice of counseling employers on employment-related matters, representing them in employment litigation and assisting federal contractors with affirmative action programs and compliance.

Marianne M. Ghim JD'91 of Portland, Ore., has been named shareholder in the law firm of Bullivant Houser Bailey PC. Ghim focuses her practice on analysis and litigation of insurance coverage issues. Her experience includes both first- and third-party insurance coverage disputes.

Kevin C. Anselm JD'94 of Salem, Ore., has been named deputy director of the Alaska Division of Banking and Securities. She had been chief of enforcement and securities for the State of Oregon, Division of Finance and Corporate Securities, for the past five years. As chief of enforcement and securities, Anselm oversaw a staff of 23 examiners, investigators, attorneys and investor outreach personnel. She also implemented new regulations governing mortgage lending, debt collection, debt management, payday loans, identity theft and the sale of variable annuities. She hopes to build up the state of Alaska's investor protections in her new role.



Monte S. Campbell JD'94 of Salem, Ore., was elected circuit court judge in Polk County in November 2010. He fills the position vacated when long-time judge

Charles E. Luukinen JD'75 retired. Campbell previously was in private practice with **Chris L. Lillegard JD'76**.



Scott Greenwood-Meinert JD'94 of Fairfield, Calif., has been appointed to the board of directors of Gaw, Van Male, Smith, Myers & Reynolds PLC. His practice continues to focus on complex business and real estate transactions. He was thrilled to see his old McMenamins buddy, Golden Gate University School of Law Professor **Paul S. Kibel JD'93**, at the Golden Gate University

been appointed to the board of directors of Gaw, Van Male, Smith, Myers & Reynolds PLC. His practice continues to focus on complex business and real estate transactions. He was thrilled to see his old McMenamins buddy, Golden Gate University School of Law Professor **Paul S. Kibel JD'93**, at the Golden Gate University

School of Law Water Law Symposium in January.



Jeffrey S. Perry JD'95 of Tualatin, Ore., has become of counsel

with the firm Dunn Carney in Portland. His practice will focus on tax and corporate law. Perry holds an LLM in tax law from the University of Washington and brings more than 13 years of experience to the firm.



John A. Wolf JD'95 of The Dalles, Ore., was elected to the position of circuit court judge for the Seventh Judicial District, which covers Wasco, Hood River, Sherman, Gilliam and Wheeler counties. He was sworn in Jan. 3, 2011. Wolf previously was in private practice in The Dalles.

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Leslie C. Wolf JD/C'95 of The Dalles, Ore., has been honored with the 2011 Child Abuse Prosecutor of the Year award by the Oregon Department of Safety Standards and Training. The award is given to one prosecutor who has gone above and beyond their assigned duties in the area of child abuse prosecutions and who has been tireless, passionate, dedicated to protect, and has worked hard to bring justice to those who victimize children. Wolf has been a district attorney since 1998 and chief deputy district attorney in Wasco County since 2003.

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Elizabeth J. M. Large JD/C'96 of Portland, Ore., was one of three Willamette University alumnae honored by the *Portland Business Journal* with its Women of Influence Orchid Award in March. Large is executive vice president and general counsel at Knowledge Learning Corporation.

Janelle M. (Factora) Wipper JD'96 of Tigard, Ore., has been appointed to the Washington County Circuit Court by Gov. John A. Kitzhaber. She started her new position on the bench on Aug. 1, 2011. Wipper most recently served as associate chief counsel for the Civil Enforcement Division of the Oregon Department of Justice, and previously was a deputy district attorney in Washington County for 11 years.



Robert G. Koury II L/M'97 of Portland, Ore., has been named a "Rising Star" in Oregon *Super Lawyers* for 2011. "Rising Stars" identifies top up-and-coming attorneys in a state who are under 40 years of age or have been in practice 10 years or less. Koury is a shareholder at Lane Powell, where he represents clients in all aspects of real estate services, including development of commercial and residential properties, complex single-asset and portfolio acquisitions and dispositions, and financing and leasing issues.

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Todd A. Mitchell JD'97 of Portland, Ore., has joined Ater Wynne LLP as a partner in the

Wynne LLP as a partner in the

firm's business, intellectual property, global trade and corporate finance groups. His practice focuses on representation of private companies in a variety of industry sectors including coffee, apparel, restaurants and clean energy development. He also represents the professional and business-to-business service firms that work with those industries.

Matthew C. Casey JD'98 of Portland, Ore., has been named a "Rising Star" in Oregon *Super Lawyers* for 2011. Casey is a shareholder in the Portland office of Bullivant Houser Bailey PC. His practice includes representing businesses and individuals involved in commercial, products liability and catastrophic injury disputes.

Laura Caldera Taylor JD'99 of Lake Oswego, Ore., has been named shareholder in the law firm of Bullivant Houser Bailey PC. She is a litigator in the firm's Portland office, where she specializes in intellectual property and assists clients with disputes involving patents, trademarks, copyrights, trade secrets and other complex business matters.

the 2000s



Mandy D. Hexom JD/C'00 of San Diego, Calif., has joined

Buchanan Ingersoll & Rooney LLP as an associate. She focuses her practice on business litigation. Hexom previously was an associate with Parks & Oberhansley.

Matthew D. Lowe JD'00 of Hillsboro, Ore., has become an equity partner in the firm O'Donnell Clark & Crew LLP. His practice areas include representation of the hospital-ity industry, the construction industry and small businesses of all types, as well as charitable and non-charitable tax exempt entities.



James C. Bradshaw JD'01 of Portland, Ore., has joined Ball

Janik LLP as special counsel in the government contracts practice group. Bradshaw previously served as assistant general counsel for the government systems division of FLIR Systems Inc.

Steven R. Powers JD'01 of Portland, Ore., has been appointed deputy general counsel and public safety advisor to Gov. John A. Kitzhaber. Powers previously was a deputy district attorney at the Multnomah County District Attorney's Office.

Jacob C. Briem JD/C/ MBA'02 of Provo, Utah, has been named shareholder in the firm Strong & Hanni. He represents clients in commercial litigation and business matters, working out of the firm's office in Sandy, Utah.

Matthew S. Fitzgerald JD/C'02 of Manassas Park, Va., has been named boards officer for the Office of the Judge Advocate General located at the Pentagon. In this role, he will manage the promotion and school selection boards for all Army Judge Advocate Generals. Fitzgerald previously was the chief of military justice for

U.S. Army South, with a criminal law jurisdiction for the Army that covered all of South America, Central America (except Mexico) and the Caribbean.

Nicole C. (Lomas) Hancock JD'02 of Boise, Idaho, has been named partner in the Boise office of Stoel Rives LLP. She is a member of the firm's litigation group and trial section. Hancock provides legal services to agricultural businesses, including seed companies, produce companies, agricultural processing companies, agricultural cooperatives and corporate farming operations.

Deborah R. Lush JD'02 of Salem, Ore., has become a shareholder with the firm of Heltzel Williams. Her practice specializes in retirement plans, employee benefits, taxation, probate and trust administration, estate planning and wills and trusts.



Sarah A. (Phillips) Matheny JD'02 of Keizer, Ore., recently had

a book published, *Peas and Thank You: Simple Meatless Meals the Whole Family Will Love*. The book is available on Amazon. Matheny's blog can be found at peasandthankyou.com.

Kathryn A. Gallagher JD'03 of Portland, Ore., recently was promoted to senior associate counsel for Knowledge Universe. In this capacity, she works primarily on vendor contracts, child care licensing and other regulatory matters. She joined the company in 2003 as a staff attorney for corporate and regulatory affairs.



Brian N. Lathen JD'04 of Salem, Ore., has been named

partner in the firm Swanson, Lathen, Alexander, McCann & Prestwich PC. His practice focuses on personal injury cases with an emphasis on automobile collisions.

Melissa J. Rogers JD'07 of Seattle, Wash., has joined the firm of Hanis Irvine Prothero PLLC as an associate, where she focuses her practice on family law. She previously worked as an associate at Wechsler Becker in Seattle. Based in Kent, Wash., Hanis Irvine Prothero PLLC is the largest law firm in south King County.

Neal S. Rosenshein JD'09 of Portland, Ore., has joined the family law firm of Stahancyk, Kent & Hook as an associate in its Vancouver office. Rosenshein previously worked for Imagine Media, where he handled intellectual property and business law issues.

Brittany K.A. Bowers JD'10 of Anchorage, Alaska, has joined the firm of Borgeson & Kramer PC as an associate. Her practice will focus on general litigation.

Megan L. Johnson JD'10 of Sagle, Idaho, has joined the firm of Berg & McLaughlin Chtd. in Sandpoint, Idaho, as an associate.

Joshua J. Lipps JD'10 of Lake Oswego, Ore., has joined the law office of Eden Rose Brown in Salem as an associate. Lipps brings business experience to the firm, with expertise in the areas of real estate, mortgages, title insurance and finance.



Nathan G. Orf JD'10
of New Orleans, La., recently joined the

firm of Galloway, Johnson, Tompkins, Burr & Smith as an associate. His practice will focus primarily on admiralty and maritime law, but also will cover inland transportation law and workers compensation defense.

Jennifer C. Paul JD'10 of Salem, Ore., has joined the law firm of Saalfeld Griggs as an associate in the firm's business litigation practice group.

Marriages



Kristina L. Thalacker JD'99 of De Moines, Wash., married Patrick

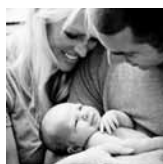
Ewing on June 19, 2010, in Victoria, B.C. The couple will reside in Victoria, B.C.



Ruby M. Herriott JD'09 of Medford, Ore., married Jon Gailis on

May 21, 2011, at Bigham Knoll in Jacksonville, Ore. Herriott is a deputy district attorney in Jackson County, Ore.

Family Additions



Mandy D. Hexom L/C'00 of San Diego, Calif., and husband

Justin welcomed son Cole Hexom Tamillo on June 26, 2011.



Stephen R. Hedlund JD'02 of Klamath Falls, Ore., and wife

Emilie welcomed twin daughters Jacqueline Faye and Lauren Jillian on Feb. 24, 2011.



Jessica R. Faber JD'06 of Alexandria, Va., and husband Jeremy

welcomed daughter Scarlet Rose on March 31, 2011.



Angela M. Wanak JD/C/ MBA'09 of Salem, Ore., and husband

Jeremy welcomed daughter Lily Kalei on Jan. 23, 2011. She joins sister Lake.



Derek N. Dizney JD'10 of Salem, Ore., and wife Kelsey

welcomed son Wyatt Henry on April 2, 2011.

Mea Culpa

In our last issue, we attempted to document all living alumni who have served on the bench. We thought it would be a great way to highlight how far a graduate can go with a Willamette law degree.

The effort was bound to have a few glitches. Below is a list of the names of some very distinguished judges who were inadvertently left off. We apologize for the errors.

Circuit/Superior Court Judges:

Monte S. Campbell JD'94
Circuit Court Judge
Polk County, Ore.

Terrence Finney JD'62
Superior Court Judge
Eldorado County, Calif.

Jonathan R. Hill JD'97
Circuit Court Judge
Tillamook County, Ore.

William S. Lebov JD'69
Superior Court Judge
Yolo County, Calif.

Thomas L. Lodge JD'63
Superior Court Judge
Clark County, Wash.

John N. Skimas JD'59
Superior Court Judge
Clark County, Wash.

Debra K. Vogt JD/C'94
Circuit Court Judge
Lane County, Ore.

Janelle M. Wipper JD'96
Circuit Court Judge
Washington County, Ore.

John A. Wolf JD'95
Circuit Court Judge
Seventh Judicial District
(Wasco, Hood River, Sherman, Gilliam and Wheeler Counties)

District:

Erik S. Rohrer JD'85
(incorrectly listed as a municipal judge)
District Court Judge
Clallam County, Wash.

James P. Swanger JD'79
District Court Judge
Clark County, Wash.

Municipal:

Karlin S. Myers JD/C'90
Municipal Court Judge
Hurricane, LaVerkin, Virgin, Rockville & Springdale, Utah

Philip H. Ringle BA'53 JD'56
Municipal Court Judge
Gladstone, Ore.

Military Courts:

Louis M. Parker JD'65 (also an administrative law judge)

Pro Tem:

William V. Bierek JD'62
Oregon

Peter Schwabe JD'60
Oregon

In Memoriam

Richard J. Brownstein JD'53 of Portland, Ore., passed away Jan. 24, 2011, at age 80 from a heart attack. Brownstein practiced law for 58 years. He spent the first 20 years with the firm that ultimately became White, Sutherland, Brownstein & Parks. In 1973, he was the founding partner of Brownstein, Rask, Sweeney, Kerr, Grim, DeSylvia & Hay LLP. He actively practiced law with that firm until his death. Brownstein's commitment to human rights was highlighted by his tenure as general counsel of the Housing Authority of Portland from 1960 to 2004. He was a member of the Portland Civil Rights Committee and the Oregon Advisory Committee of the U.S. Civil Rights Committee, among others. He was co-author of the Oregon State Bar Affirmative Action Program. Brownstein was also actively involved in the Portland Jewish community. He loved going on runs in his beloved Forest Park, and ran a total of 19 marathons, beginning at age 54.



H. William Barlow JD'56 of Salem, Ore., passed away Feb. 4, 2011,

at age 83. He served in the U.S. Army and was stationed in Panama. After law school, he practiced with the firm of Allen, Stortz et. al. for many years. He was appointed to the Marion County district court in 1982 and remained on the bench as a circuit court judge until his retirement in 1995. Barlow enjoyed spending time at the beach, reading and traveling. He loved watching the Univer-

sity of Oregon football games with his brother. He is survived by his longtime companion Dianne Boehmer, two daughters, two sons and six grandchildren.

Robert B. Batchelder BA'54, JD'57 of Omaha, Neb., passed away on Feb. 14, 2011, at age 78. He retired from Union Pacific Railroad after 37 years, most recently serving as general commerce counsel. An avid supporter of Omaha's arts, Batchelder served on the community advisory board of KVNO classical radio, the board of the Omaha Symphony, and the board of Countryside Community Church. He is survived by a son.

Alan R. Jack BA/JD'60 of West Linn, Ore., passed away on Sept. 30, 2010, at age 77. He attended Stanford University for two years before enlisting in the U.S. Army. He served from 1951 to 1955 as part of the occupying force in Germany and on the European Ski Patrol. After graduating from Willamette University, where he earned both his bachelor's and law degrees, he joined his father in practice at the law firm of Jack, Goodwin and Santos. He became a municipal court judge in Oregon City in 1981, a district court judge for Clackamas County in 1987 and a circuit court judge in 1993. He retired from the bench in 2003. He is survived by his wife of 52 years, Laurie, their three children and one grandson.

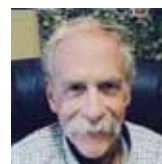


Charles A. Sams JD'64 of Medford, Ore., passed away on Feb. 15, 2011, at age 82 after a courageous

battle with cancer. Sams served as a fighter pilot in the U.S. Air Force, and then flew for United Airlines for a short time prior to law school. After graduation, he continued in the armed forces, serving for 37 years with the U.S. Air Force and the Oregon Air National Guard, and retired in 1989 as a two-star major general. Sams amassed more than 6,000 hours as a command pilot for the Air Force and Air National Guard, flying more than 12 types of fighters including the F-80 and the F-15. In addition to his distinguished military career, he also had a career in law, serving on the bench in Clackamas County for 24 years. He is survived by his wife of 54 years, Connie, five sons and six grandchildren. A man devoted to his family, friends, church and lifelong pursuits, he embodied the true spirit of a life well-lived.

Rex A. Bell JD'69 of Las Vegas, Nev., passed away July 8, 2011, at age 76 after a brief battle with a brain tumor. The son of actors Rex Bell and Clara Bow, Bell made a brief foray into acting before finding his true calling in the law. After graduation from law school, he served as deputy district attorney in Pendleton, Ore. He later joined the Clark County District Attorney's Office in Las Vegas, where he worked for several years, and ultimately served two terms as Clark County district attorney. Upon his retirement from public service, he opened his own law firm and practiced until his illness overtook him. A gifted athlete and avid sports fan, Bell played many sports over the years, including football, basketball, softball, racquetball and golf. He was

particularly proud of coaching the Police Olympics women's softball team to a gold medal in Australia in 1988. He is survived by wife Dorothy, a son, a daughter and three granddaughters.



Grant D. Nelson JD'69 of Florence, Ore., passed away on May

2, 2011, at age 67 of colon cancer. He attended Portland State University as an undergraduate. He is survived by his wife of 41 years, Claudia, and two sons.

Lorenzo M. Campbell JD'75 of Flagstaff, Ariz., passed away unexpectedly on Feb. 20, 2011, at age 66. Campbell spent most of his life serving the poor and disadvantaged in the communities in which he lived. He began his legal career in El Centro, Calif., working with field hands in the early 1970s. He went on to work with various nonprofit legal aid associations, and eventually became managing attorney of DNA People's Legal Services, a nonprofit legal aid organization based in Arizona that works to protect civil rights, promote tribal sovereignty and alleviate civil legal problems for people who live in poverty in the southwestern United States. Campbell's legal career came full circle when he returned to El Centro in 2008 to serve as directing attorney for California Rural Legal Assistance. He is survived by wife Sue, two sons and two daughters.



Joe D. Bispham JD'83 of Albany, Ore., passed away on Dec. 26,

2010, at age 67 after a month-long battle with pneumonia. He served in the U.S. Navy, and after graduating from law school, practiced in Linn County until his retirement in 1999. Bispham served as president of the Lebanon Optimist Club, was a board member for the Boys & Girls Club of Lebanon, and was chair of the Linn County Public Safety Advisory Committee. He loved to share his knowledge of science, history, art, outdoors and music with his beloved family and friends. He enjoyed playing the piano, organ, violin, viola, and was sometimes even known to play the banjo. He also enjoyed snorkeling in the tropics, hiking, exploring Oregon's mountains and coastal regions, and fly fishing. He is survived by his wife of 34 years,

Linn County Circuit Court Judge **Carol J. Bispham JD'87**; three daughters; one son and seven grandchildren.

William G. Zuver BS'80, JD'84 of Winston, Ore., passed away on April 26, 2011, at age 52. After law school, he returned to his hometown of Winston to work in the family business, Winston Realty and Insurance. He later went on to work as a manager for Dell and First Call Resolution. Zuver served as Winston's mayor from 1985 to 1987, and in 1995 was honored as First Citizen of Winston. He enjoyed sports and reading. He is survived by wife Beth, a son and a daughter.



Norman D. "Butch" Pribbanow Jr. JD'88 of Milwaukie, Ore., passed

away on July 13, 2011, at the age of 57. A tireless advocate for individuals with disabilities, Pribbanow served as assistant general counsel for Tri-Met and later as the senior eligibility specialist for the Tri-Met LIFT program. He was a history buff and enjoyed classic cars and classic movies. He is survived by four siblings and stepson J.T. Harris of Sisters, Ore.

Charles A. Dalebout JD'04 of Winchester, Va., passed away on March 22, 2011, at the age of 47. He had a law practice in the city of Winchester that focused

on trusts and estates. Active in his community, Dalebout volunteered his time to provide free wills to local firefighters. He loved history, particularly Virginia history. He is survived by wife Sandra and a daughter.

Class Action Contact

Information for Class Action should be submitted to: Cathy McCann Gaskin, Associate Director of Alumni Relations
Phone: 503-370-6492 E-mail: wu-lawyer@willamette.edu

Willamette Lawyer
Willamette University College of Law
245 Winter Street SE
Salem, OR 97301

Please print or type all submissions, in the interest of accuracy. If something has been written about you in a newspaper or another publication that you would like mentioned in Class Action, please submit a brief summary of the original piece.

Submission dates are January 15 for the spring issue and July 15 for the fall issue.

It is the practice of Class Action not to print pregnancy or engagement announcements, nor candidacies for political offices, due to the lag time between receiving such information and the publication dates. *Willamette Lawyer* reserves the right to edit or omit any information submitted.

We welcome photographs for possible use, depending on space and photo quality. Please send a self-addressed, stamped envelope if you would like your photo returned.

Editorial Contact

Direct comments, suggestions and reprint requests related to *Willamette Lawyer* to: Lisa Grace Lednicer, communications director
Phone: 503-370-6760

Job Listings

If you have a position opening, we invite you to post a job for alumni or current students using our online job posting system. Just follow the link to the WUCL Office of Career and Professional Development "For Employers" page at willamette.edu/wucl/careers/employers/. Under the title "Recruiting," click on "Post a Job Opportunity." You will be directed to a registration page where you then can choose "Register and Post a Free Local Job."

The Career and Professional Development Office is happy to accept job postings or accommodate on-campus interviews at any time. For specific questions about posting a job or setting a date to interview on campus, contact Bev Ecklund at becklund@willamette.edu.
Phone: 503-370-6057

Key

JD = Doctor of Jurisprudence
L = Non-degreed
LLB = Bachelor of Law (equivalent of JD)
LLM = Master of Law
MM = Master of Management, Master of Administration
MBA = Master of Business Administration
H = Honorary degree
C = Certificate in Dispute Resolution, International and Comparative Law, Law and Government, Law and Business, or Sustainability Law
BA = Bachelor of Arts
BS = Bachelor of Science

Portland Alumni Reception March 3, 2011, Nel Centro



Lee Ann R. Donaldson JD'09 and father Robert W. Donaldson JD'74



From left: Peter C. Diamond JD'92, Roscoe C. Nelson JD'73, Dean Peter V. Letsou



Donald A. Buss JD'53 and Meredith D. Van Valkenburgh JD'53



From left: Michael P. De Muniz JD'08, Shenoa L. Payne JD'08, Paige A. (Allen) De Muniz JD/C'08

Heritage Reunion March 31, 2011, Salem, Ore.



This year's Heritage Reunion was held on March 31 on the Willamette University campus. Following continuing legal education presentations in the morning, Brig. Gen. Thomas L. Hemingway BA'62, JD'65 presented an interesting and timely keynote presentation, "Guantanamo, Where We Are Now and the Journey We Took to Get There." Hemingway also was presented with the 2011 Outstanding Alumni Award from the College of Law at the event.

From left: Brig. Gen. Wallace P. Carson Jr. JD'62; Brig. Gen. Thomas L. Hemingway BA'62, JD'65; Brig. Gen. Lawrence L. Paulson BA'68, JD'71; Dean Symeon C. Symeonides.

Seattle Alumni Reception April 14, 2011, Hotel 1000



Top Left: June Ann (Kaiser) Campbell JD'80, Clifford L. Peterson JD'81, Sheena R. Aebig JD'76; Top Right: Matthew E. York JD/C'02, Karin M. (Reinke) Young JD'02, Sara D. (Civey) Couch JD'02, Daniel G. Wilmot JD'02, Lisa A. (Lorenzo) Wilmot JD'03, Catherine M. (McCann) Gaskin JD'02; Bottom left: Seth D. Feldman JD'10, Joshua A. Pops JD'10, John P. Fluvog JD'10, Daniel B. Peters JD'10; Bottom right: Raymond W.L. Mutchler JD'07, Russ K. Francisco JD'74, Thomas W. Hayton JD'74

Anchorage Alumni Reception May 19, 2011, Campobello Bistro



Clay (Alex) A. Young JD'74 and Alfred T. Clayton JD/C'91



Deborah L. Dean JD'01 and Debra J. Morse JD'08



Sarah A. Badten JD'06 and Mary K. Hughes JD'74



From left: Peter M. Diemer JD'07, James M. Gorski JD'77, Dean Peter V. Letsou

Dean's Dinner May 12, 2011, Eleni's Philoxenia, Portland, Ore.

On May 12, alumni and friends of the College of Law gathered to celebrate and thank Dean Symeon C. Symeonides for 12 years of outstanding leadership at the helm of the College of Law. One of the longest-serving deans in the history of the College of Law, Symeonides retired from the deanship at the end of May, but will remain on the faculty.



Top left: Keith W. Lovett BA'65, JD'68; S. Michael Rodgers JD'68; Marcia A. Rodgers; Linda (Chatham) Lovett BA'67; Barbara S. Hutchison; William P. Hutchison JD'69; Top Right: From left: Symeon C. Symeonides, Jonathan T. Carder BA'68, Monique Baillargeon, Haroula Symeonides; Bottom left: Dale M. Hermann BA'65, JD'69 and Richard H. Wollenberg JD'78; Bottom right: Susan M. Hammer JD'76 and Mary K. Hughes JD'74

Class of 1961 50-Year Reunion May 14–15, 2011, Salem, Ore.

Members of the class of 1961 gathered for a private dinner at Illahe Hills Country Club in Salem on Saturday, May 14, to celebrate 50 years since their graduation from the College of Law. The following morning, several of the class members participated in the College of Law's Commencement Ceremony, where they received special recognition medals from Dean Symeon C. Symeonides.

The 50-year reunion was moved to Commencement Weekend in 2010 at the suggestion of Theodore C. Carlstrom JD'60 as a way to bridge the distance between the newest graduating class of the College of Law and the distinguished members of the 50-year class. This has proven to be a very special way to commemorate these two milestones for all involved.



From left: Harl H. Haas JD'61; Paul B. Osterlund BA'58, JD'61; Howard E. Speer BA'58, JD'61; Clyde H. MacIver BA'59, JD'61; Robert J. Morgan JD'61; David S. Barrows AB'57, JD'61; James R. Hershberger JD'61



From left: Harl H. Haas JD'61; Mark A. Bliven JD'61; James R. Hershberger JD'61; Clyde H. MacIver BA'59, JD'61

From Probate to Figure Eights

At first glance, the pairing of law and figure skating may seem unlikely. Figure skating, after all, is a marriage of artistry and athletics: the law is a crystallization of abstract concepts.

But Ron Hershberger JD'61 is a natural in both worlds.

Hershberger has been on the board of U.S. Figure Skating since 1989, as a member and chair of task forces and committees, and as secretary, third vice president and second vice president. He headed the 1992 World Figure Skating Championships in Oakland, Calif., and was president of U.S. Figure Skating from 2005 to 2009.

It was his children who helped Hershberger develop a life outside the law. He and his wife, Gayle, have two daughters, both of whom began skating at a small ice rink in Palo Alto, Calif., and joined a local skating club. Hershberger became club president and proposed consolidating three skating clubs into what became the Peninsula Figure Skating Club.

Members included future champion skaters Brian Boitano and Debi Thomas. The club sent delegates to the U.S. Figure Skating Association's governing council meetings, and Hershberger was elected to the board of directors. He says being a lawyer has helped him immensely, from the merging of skate clubs to leading meetings, to dealing with bylaws, articles of incorporation, contracts and the myriad governing rules ice skating follows.

"Having an outside activity just adds a new dimension to your life," Hershberger said. Daughter Alison competed as a skater and is now a judge for U.S. Figure Skating; his other daughter Rhonda teaches skating.

Whenever family members are together, the topic of figure skating rarely strays far from conversations. Each fall, they excitedly gear up for the competitive season.



Ron and his wife, Gayle, at the 2006 Olympic Winter Games in Torino, Italy

they've been extremely nice to me." Hershberger still becomes emotional talking about the injury that prevented Kwan from competing at the last minute in her final Olympics. "It was the most disappointing thing that happened during my presidency," he said.

Hershberger worked around the clock with ice-dancing pair standouts Tanith Belbin and Ben Agosto when they and others



"Having an outside activity just adds a new dimension to your life."

"It's a wonderful sport," he says, "the best combination in all of sport of athleticism and musicality."

Hershberger's day job is with the law firm Thoits, Love, Hershberger & McLean in Palo Alto, focusing his practice on estate planning, trusts and probate law.

As figure skating association president, Hershberger traveled with the skaters and got to know them and their families. Of Michelle Kwan, whom he calls "the most decorated female skater in history," he says: "I'm extremely fond of her and her family, and

were scrambling to get the Canadian Belbin declared an American citizen before the 2006 Olympics. They succeeded when then-president George W. Bush signed a document the day before the deadline.

After Hershberger's term ended, U.S. Figure Skating surprised him by establishing a permanent endowed scholarship, the Ron & Gayle Hershberger Fund for Athlete Support.

"I've been extremely blessed," he said.

— *Cliff Collins*

On My Mind ...

Faculty members reflect on the link between life and the law



Assistant Professor David A. Friedman

“Good information is the lifeblood of good transactions. Good transactions are the lifeblood of our consumer economy.”

In 1998, morbidly obese Indiana University student Jared Fogle began a famous journey toward achieving iconic celebrity and cultural touchstone status. Eating nothing but weight loss-friendly Subway sandwiches, Fogle shed and kept off more than 200 pounds. Two years later, sharp-eyed regional Subway franchise owners received word of Fogle’s astonishing achievement and hired him to tell his story in their advertisements. Not long after the regional commercials demonstrated unprecedented effectiveness, Subway’s corporate headquarters recruited Jared for a national campaign.

Over the next decade, Jared lured not just crash dieters, but all kinds of health-conscious consumers to Subway, putting Subway’s presence on a par with that of McDonald’s, the ultimate food-industry franchising pioneer. Although a number of factors likely drove the astonishing growth of the business after 2000, the Jared campaign, according to CEO Jeff Moody, provided the “absolute cornerstone for Subway’s success.”

If Jared Fogle had lost weight today rather than in 1998, the Federal Trade Commission might not want you to know about him. Even though his story was entirely true, he likely would have lost those 200 pounds in obscurity. Subway, if we are to believe Moody’s emphasis on Jared’s role, would have fewer customers and fewer locations.

In 2009, the Federal Trade Commission decided that messages like Jared’s conveyed a special power and needed to be controlled aggressively. The agency changed its guidelines for endorsements and testimonials, making the use of peer endorsements a significantly riskier gambit, with much more compliance required for the advertiser.

This new dynamic in advertising regulation presents a break from tradition. Generally, the FTC has aimed to protect consumers from false and misleading information and to ensure that consumers have enough information to know what they’re buying. But now the agency has embarked on a new role: deciding that if we listen to folks like Jared, we’ll get so carried away by their amazing-but-true stories that we’ll end up buying products or services based on false expectations.



One irony is that as the FTC has been earnestly engaged in trying to dampen peer advertising, the rest of the world has moved in the opposite direction. Talk to anybody in the advertising business and they'll start talking to you about the power of social networks like Facebook and Twitter in generating buzz for their clients. Companies of all types rely on communities of interest to spread the word about their products in a much different way from before. Until recently, almost all advertising was blasted at consumers; today, companies want to interact with their customers and want their customers to interact with each other.

Recently I read an article on a friend's blog about how much he loved his Roku internet television box. This spurred me to interact with readers of his blog who enjoyed using Roku. When contemplating the purchase of a Roku box, I visited the Facebook page sponsored by and intermittently facilitated by Roku. I "liked" the page and posted a few questions about the device. Who answered these questions? Who convinced me to buy a Roku internet television device? Roku didn't. My peers did! They had the most powerful voice. I also knew that if I had a problem operating the Roku, I had an enthusiastic community ready to help me, 24/7. This is far apart from how I purchased a DVD player in the 1990s.

Given these changes in how we interact with information about products and services, the FTC's regulators may be fighting the

last war by regulating traditional forms of media. The consumer's environment will increasingly be one where consumers gather information from each other. The FTC did direct some regulations toward bloggers by saying that bloggers must disclose whether the products they discuss were free samples or not. But even blogging has become somewhat passé. Twitter and Facebook are now more popular sites for sharing information. Who knows what will be next?

The issue we must watch going forward is whether these new, mostly organic forms of communication require any special regulation. I would hope that regulators would create an environment where peer information could be shared freely, with regulation limited to keeping marketers honest and non-influential. Good information is the lifeblood of good transactions. Good transactions are the lifeblood of our consumer economy.

— Assistant Professor David A. Friedman teaches commercial law, business law and dispute resolution. He concentrates his research in behavioral law and economics, contract law and consumer law. This essay is adapted from an article that appeared in the Journal of Law & Policy earlier this year.



An exonerated prisoner ...

... hires a lawyer to sue the state for wrongful imprisonment. The agreed contingency fee is 25 percent of any award. But instead of filing a lawsuit, the attorney successfully lobbies the state legislature to increase the payouts for wrongful imprisonment.

Is it ethical for the lawyer to then claim a share of the increased compensation for his client?



If the lawyer's fee agreement references litigation recovery only, the lawyer will be on thin ice seeking recovery from amounts payable to the client as a result of legislation. The vagaries of the legislative process and whether the attorney's efforts really resulted in the recovery give the client too many weapons to wield in a battle over fees for legislative recovery. The fact of the matter is, when a fight with a client over money moves into the ethical arena, attorneys bring a knife to a gun fight.

If the attorney clearly defines the legislative effort as work for the client and obtains the client's consent to a reasonable fee, there is no ethical reason why the attorney cannot recover a fee based on the recovery. The lawyer's claim to such a fee will likely be supported by the fact some sort of claim would need to be filed for the compensation and the attorney would prepare and file the claim.

If, on the other hand, the attorney meets the client, has the client sign a form fee agreement tailored toward litigation and then obtains and takes a fee from relief granted by the legislature, the attorney is pulling a dull butter knife to defend himself against a client holding an automatic rifle with a full clip.

— Mark C. Hoyt JD'92, managing partner at Sherman Sherman Johnnie & Hoyt, LLP



a.

ORS 171.756(3) states that

“(a) person may not lobby or offer to lobby for consideration any part of which is contingent upon the success of any lobbying activity.” Unlike ABA Model Rule 1.5(c), which expressly bans contingent fees when prohibited by state law, the Oregon Rules do not contain a parallel provision. However, Oregon Rule 8.4 labels as “professional misconduct” the commission of “a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects.” In Oregon, not only must contingent fee agreements be written in plain and simple language, but they must be reasonable. A 25 percent contingency fee of court-awarded damages may be reasonable, while that percentage — when applied to a much higher payout as the result of successful lobbying activities — may be deemed unconscionable. When entering into a contingency fee agreement with a client, ensure the terms are reasonable, clear and in writing.

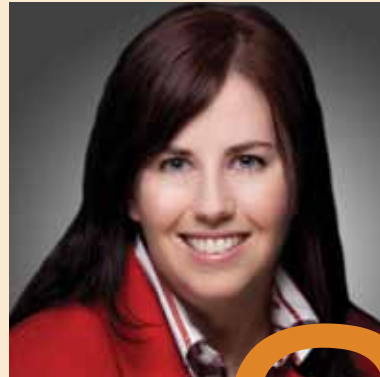
— Yvonne Tamayo, Willamette law professor, Civil Procedure, Federal Courts, Professional Responsibility

Let’s assume I got this fact pattern as a voice message at my office. The message is ambiguous as to whether the statute passed by the state legislature forecloses the ability of the lawyer’s client to sue the state. Assuming it does, my initial instinct is that this lawyer should be able to obtain his fee. A lawyer who provides legal services for a client may seek a share of the increased compensation or, at the very least, a fair and reasonable recovery of the work incurred.

Perhaps in my conversation with the lawyer, I might learn more — that the lawyer explained to the client various other ways to obtain a result besides litigation. There are circumstances under which the lawyer might have operated within the ethical rules by acting in ways expressly or impliedly authorized by the client. Lobbying the Legislature to increase the payouts might well have been expressly or even impliedly authorized by the client. Oregon law requires all contingency fee agreements to be in writing and to be in “plain and simple language reasonably believed to be understood by the plaintiff.”

Barring recovery under the agreement, the client might consider a quantum meruit form of recovery, which is a form of restitution where the plaintiff has performed services for the defendant and seeks to recover the fair value for those services. This “quasi-contract” accomplishes justice and prevents unjust enrichment.

— Judith A. Parker JD’06, associate at Hinshaw & Culbertson LLP



a.

Clever Judges

In 1967, on the topic of humor, the Honorable George Rose Smith, associate justice, Supreme Court of Arkansas, admonished new judges appointed to the bench:

Judicial humor is neither judicial nor humorous. For a judge to take advantage of his criticism-insulated, retaliation-proof position to display his wit is contemptible, like hitting a man when he's down.

In the same vein, Dean Prosser concurred in his preface to the Judicial Humorist:

...[t]he robed buffoon who makes merry at his [the litigants'] expense should be choked with his own wig.

Twenty-three years later, Smith — perhaps with tongue in cheek — reversed his earlier unconditional prohibition of humor in opinion writing:

In judicial language, that part of the Primer [quoted above] disapproving judicial humor, is hereby overruled, set aside, held for naught, and stomped on.

Oh, what a few years on the bench engaged in reading the Latin-infected, *verbatim et literatim* language of the law does to one's opinion writing commandments.

In remembrance of those who have died of boredom from reading the dry, dull, dead language of the law, let there be levity in judicial opinions!

In answer to this prayer for humorous relief we read from Justice Antonin Scalia in a concurring opinion the following passage regarding the Establishment Clause Lemon test:

Like some ghoul in a late-night horror movie that repeatedly sits up in his grave and shuffles abroad, after being repeatedly killed and buried, Lemon stalks our Establishment Clause jurisprudence once again, frightening the little children and school attorneys of Center Mariches Union Free School District.

And for good measure:

Over the years ... no fewer than five of the currently sitting judges have ... personally driven pencils through the creature's (Lemon) heart

Applying Justice Scalia's constitutional philosophy of textualism in historical context — the dead constitution school of interpretation — and finding no support in the Federalist Papers for inclusion of



such levity, we turn for guidance to the common law and Blackstone — The Comic Blackstone — where we learn:

The history of our [England's] Constitution is curious. It began with the great Charter, which the Barons wrested from John; but for the particulars of the wrestling match we refer to the Sporting Papers of the period.

Thus we discover the historical source for both Justice Scalia's use of levity and his theory of constitutional interpretation.

Levity, however, knows no judicial ideology. In support of the living constitution school of interpretation, no historical sources required, we offer this tale of the wayward pig passage by Justice John Paul Stevens in a First Amendment plurality opinion:

As Mr. Sutherland wrote, a 'nuisance may be merely a right thing in the wrong place — like a pig in the parlor instead of the barnyard.' We simply hold that when the Commission [FCC] finds that a pig has entered the parlor, the exercise of its regulatory power does not depend on proof that the pig is obscene.



In other words, just misplaced.

The graveyard for clever judicial opinions is littered with the fallen headstones for allegories, doggerel, limericks, metaphors, witticisms, poems, puns and pitiful prose, of both the barnyard and parlor variety, all of which have found eternal life in the law library.





From one lawyer to another ...

Willamette's Office of Gift Planning knows how to help your clients give back to the school that set them on the path to success: Gift Annuities. Charitable Lead Trusts. Charitable Remainder Trusts. We can prepare helpful gift plans for your clients, act as trustee for your clients' trusts, and arrange meetings with our investment advisors. It's all part of our motto, right? *Non nobis solum nati sumus* — Not unto ourselves alone are we born.

Steve Brier, associate vice president for gift planning, has more than 20 years of experience as a tax attorney and gift planner. He's also a former New York City cab driver who grew up in the South Bronx. He loves meeting people (kind of important if you're a cabbie). So, make Steve happy and give him a call:



Steve Brier, JD
Office of Gift Planning, Willamette University
866-204-8102
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willamette.edu/giftplanning



Dean Symeon C. Symeonides led a group of law school alumni on a cruise to Greece in 2009.

2012 GREEK CRUISE

Join our new Dean Peter Letsou and Dean Emeritus Symeon Symeonides for a luxury cruise to Greece next May 16–26, 2012.

We can think of no better tour guide than Symeon to lead this adventure — 10 days at sea, leaving from Venice, Italy and traveling through to Croatia, Montenegro, the Greek Isles and on to mainland Greece. We have reserved space on the beautiful new ship “Riviera” through Oceania Cruises. Oceania offers high-end dining, amenities and shore excursions for a great price.

Each night, Symeon will meet with our group to provide an overview of the geography, history, politics, religion and daily life of the location we will visit the following day. This was the highlight of the 2009 cruise. A limited number of CLE credits will also be available.

Please see www.azumano.com/groups/willamette for further details, or contact Cathy McCann Gaskin JD’02, associate director of Alumni Relations, at 800-930-ALUM (2586) or cmccann@willamette.edu.

